

Rights and Responsibilities
Prohibited Behaviors
Attendance
Suspension and Expulsion

Policy #5105
Adopted: 04/24/06
Revised: 09/22/14
(transportation & attendance only)
Revised: 02/27/2017
Revised: 04/24/2017
(attendance only)
Revised: 02/26/2018
(Dress code only)
Revised: 03/11/2019
(Vape/Tobacco Policy)

SUBJECT: MEMPHIS COMMUNITY SCHOOLS UNIFORM CODE OF CONDUCT

The Memphis Community School District is committed to the development of each student's potential for learning in a positive and orderly school environment. Students, parents/guardians and staff must assume a responsible role in promoting behavior that encourages learning and develops individual potential. School must be free of disruptions that interfere with teaching, learning and extracurricular activities. Just as discipline procedures are necessary in order to protect the rights of each member of the school community, effective student discipline can only be achieved through cooperation and shared commitment among that community, including but not limited to students, parents/guardians and staff.

The Student Code of Conduct is an official declaration of the policy of the Memphis Community Schools, which authorizes disciplinary action, including suspension and expulsion of students who do not behave in an acceptable manner. Provisions in the Student Code of Conduct apply to all students. Differences in age and maturity are recognized and will be considered.

The Student Code of Conduct applies to the following student situations while participating in the activity or representing the school:

1. When students are traveling to or from school or a school-sponsored activity, including all forms of transportation.
2. When students are in or on property of the school district.
3. When students are in attendance at any school-sponsored activity, regardless of its location.
4. Regardless of date of incident or location, where the result of a student's conduct would create a substantial risk of disruption to the educational process or an orderly school environment.
5. When students are using school telecommunication networks, accounts or other services.

The rules and regulations described in the *Uniform Code of Student Conduct* will not limit the authority of school personnel to deal appropriately with types of conduct not specifically described in the Code. Conduct violations not specifically covered in the Code will be treated uniformly and fairly by the principal or designee in each building.

Students are prohibited from engaging in off-campus misconduct of a serious and/or criminal nature which poses a likelihood of danger to the health (physical or emotional) or welfare of students or district personnel (e.g., selling drugs off-campus), or which reasonably makes the continued presence of the student in the school disruptive to the educational process (i.e., committing a crime off-campus which is vicious in nature).

A student who has engaged in misconduct resulting in expulsion or long-term suspension in another school system, or who has withdrawn from said school system before such misconduct was established by an appropriate hearing, which misconduct, if true, is of sufficient gravity to pose a threat to the health or welfare of students or district personnel, or makes the presence of the student in the school disruptive to the educational process, may be subject to suspension or expulsion where such misconduct has been established in a hearing before the Superintendent (or designee).

Certain administrative procedures may occur during the disciplinary process. For example, a student may be isolated from other students, appropriate social or medical agencies may be contacted for assistance, and

disciplinary action may be recorded on a student's disciplinary record. The appropriate police agency will be contacted in all cases involving violation of local, state, or federal law. Communication with parents is strongly encouraged and is required in cases of suspension and/or police involvement.

All school community members should become familiar with the Student code of Conduct.

NOTICE

The Board of Education of the Memphis Community Schools complies with the regulations of Title IX of the Education Act Amendments of 1972. No student will be discriminated against on the basis of sex in any district-sponsored curricular or co-curricular program offering as stipulated in Title IX. All Student grievances filed in relation to this policy will follow the appeal approach as outlined in the *Uniform Code of Student Conduct*.

The Board of Education of the Memphis Community Schools also complies with the regulations of Title VI, Section 504. In accordance with Title VI, Section 504, no student will be discriminated against on the basis of race, sex, or handicap in any district-sponsored curricular or co-curricular program offering. All student grievances filed in relation to this policy will follow the appeal approach as outlined in the *Uniform Code of Student Conduct*.

ACADEMIC CONDUCT

It is the school's intent to maintain and encourage high standards of personal conduct. These standards include personal honesty, discipline and integrity.

We believe that students are in school to do their own work. We assume that any school work that is turned in for credit by a student is a result of that student's effort. Generally, academic misconduct occurs any time a student turns in work which is not his or her own. Academic misconduct is a serious violation of school policy.

Specifically, students should be aware of the following information:

1. **HOMEWORK** – Daily homework assignments should represent reasonable effort on the part of the student. The copying of someone else's work with the intent to misrepresent that assignment is never permissible.
2. **CLOSED BOOK QUIZZES, TESTS AND ASSIGNMENTS** – The results of a quiz or a test should represent only the student's own work. This work must be performed during the testing period without any unauthorized verbal or nonverbal communication or assistance. Specifically, this language prohibits such behavior as looking at another student's papers, unauthorized communication during a testing situation, or having inappropriate material available for use, or securing test information from other students.
3. **OPEN BOOK TESTS** – The same rules apply to open book tests that apply to closed book tests except that teachers will define the specific resources that a student may use.
4. **MAJOR PAPERS, PROJECTS OR TAKE HOME TESTS** – The basic guideline is that a student turns in his or her own work. Thus, plagiarism including purchased, borrowed, or obtained materials is specifically prohibited. Collaboration may be permitted or encouraged by the teacher.
5. **UNAUTHORIZED ACCESS** – Students are prohibited from gaining unauthorized access to test materials through such behavior as going into teacher files and looking through a teacher's desk or securing information from an individual who has taken the test previously.
6. **OTHER SITUATIONS** – Students who provide or receive unauthorized assistance, i.e., papers to be copied, answers to tests, have violated the policy.
7. **TEACHER PRACTICES** - Students have the right to expect the following behavior from teachers:
 - a. At the beginning of the course, each teacher should review with the students the academic expectations and the grading procedures for that course.
 - b. All tests which are given should be actively monitored by a teacher.

- c. Tests which are given from year to year will be kept under tight security.
- d. If at all possible, all make-up tests will be proctored.
- e. Make-up tests may be different from the original test.

RIGHTS AND RESPONSIBILITIES

1. ACCESS TO STAFF AND FACILITIES

- **Rights:** Each student has the right of access to a professional staff and the facilities necessary for an instructional and co-curricular program which will allow the achievement of personal growth through active participation in such programs.
- **Responsibilities:** By accepting the right to participate in school programs on or off school property, the student will accept the responsibility to conduct himself or herself according to the rules, regulations and provisions of these programs.

2. FORMULATION AND EXPRESSION OF IDEAS

- **Rights:** Every student has the right to form, hold and express his or her own ideas and beliefs. The encouragement of this right requires that each student be permitted to disclose or express an idea in the proper educational setting without penalty, embarrassment or any reflection in academic evaluation. The administration and faculty of each school have the obligation to maintain such an environment and one that is favorable to studying and learning.
- **Responsibilities:** By accepting this right to form, hold and express an idea in the proper educational setting, the student accepts corresponding responsibility to follow reasonable (see pages 3 & 4) rules of expression designed to protect the rights of others in the educational setting.

3. USE OF EDUCATIONAL RESOURCES

- **Rights:** Students have the right to utilize such educational resources as buildings, grounds, equipment, and instructional materials necessary to meet the requirements and needs of their curricular and co-curricular programs in accordance with procedures established by the administration.
- **Responsibilities:** The student exercising his or her right to use the resources provided will also accept the responsibility for the preservation and care of the property. Students will have had prior experience or instruction before using any piece of equipment. Any unauthorized use or deliberate destruction or defacing of the property will be deemed a violation of the *Uniform Code of Student Conduct*. The building principal will establish and enforce procedures necessary to make the building, equipment and materials available for the use of students.

4. DISTRIBUTION OR POSTING OF WRITTEN MATERIALS

- **Rights:** Students are entitled to express, in writing, their personal opinions, to circulate petitions and to post materials in the building subject to reasonable rules and regulations established by the administration.
- **Responsibilities:** By accepting the right to distribute or post handwritten, printed, duplicated or other material on school premises, the student accepts full responsibility for the content of all material and accepts the rules and regulations established by the administration.

RULES REGARDING DISTRIBUTION AND POSTING OF WRITTEN MATERIALS

The manner of distribution of such material will be such as to not interfere with or disrupt the educational process and will be subject to the following provisions:

- a. The Superintendent or building principal may prohibit posting or distribution of any material which (1) materially and substantially interferes or threatens to interfere with the requirements of good order in the operation of a school or schools, or (2) materially disrupts or threatens to involve disorder, violence or an invasion of the rights of other students.
- b. Distribution of materials and circulation of petitions may take place during lunch, prior to, and after school, in areas designated by the building administrator and which provide reasonable access to students. The student must be presently enrolled in the school and authorship of the materials must be identified.
- c. Students will have access to specified bulletin boards and areas for the posting of notices or other communications concerning school activities or matters of general interest to students. Posted notices will (1) be subject to reasonable size and number limitations determined by the administration, (2) be dated and (3) identify the sponsoring individual or organization. Notices in violation of any restriction, out-dated, or posted more than ten days may be removed by school authorities.
- d. Materials to be distributed or posted in the building or on school grounds will require prior administrative approval and will be subject to rules published by the building administrator. If the building administrator denies permission for distribution or posting of material, the building administrator will provide a written explanation for such denial. Within five days of receipt of such written explanation, the denial may be appealed in writing to the Superintendent or designate building representative who may affirm, reverse or modify the action of the building administrator. The reasons for such action will be provided the student in writing within five school days of receipt of the appeal.

5. SCHOOL-SPONSORED PUBLICATIONS

- **Rights:** Student editors of school-sponsored publications have the right to present materials for publication without fear that penalty, embarrassment or any reflection in the academic evaluation will result from presentation of such materials.
- **Responsibilities:** By accepting the foregoing rights the student accepts the responsibility to comply with the policies and regulations of the District regarding school-sponsored publications.

RULES REGARDING SCHOOL-SPONSORED PUBLICATIONS

Student editors of school-sponsored publications will be guided by the policies of the school district and will ensure adherence to accepted standards of good journalism, specifically those guarding against libel, intentional distortion, or reckless disregard for the facts.

- a. Authorship will be disclosed and opinions will be identified as such.
- b. Student editors of school-sponsored publications will provide opportunity for the expression of views by fellow students, teachers and administrators which differ from editorial policy.
- c. All materials to be published in school-sponsored publications will be submitted for approval to the faculty sponsor before publication.
- d. Materials may be rejected by the faculty sponsor who will prepare a written explanation to the student editor of the reasons for rejection.
 - (1) Within five school days after receipt of such written explanation, the rejection may be appealed in writing to the building principal who may affirm, reverse, or modify the action of the faculty sponsor. The reasons for such action will be provided the student in writing within five school days of receipt of the appeal.

- (2) Within five school days after receipt of the written explanation from the building principal, the principal's decision may be appealed in writing to the Superintendent who may affirm, reverse or modify the action of the building principal. The reasons for such action will be provided the student in writing within five school days of receipt of the appeal.

6. STUDENT MEETINGS AND GATHERINGS

- **Rights:** School-sponsored activities and meetings (assemblies, pep rallies, etc.) are scheduled during the school day. In addition, students will be given the opportunity to organize and hold student meetings at reasonable times, other than during those hours when classes are being held.
- **Responsibilities:** By accepting the foregoing rights, the student accepts the responsibility to initiate meetings and gatherings according to the policies and regulations of the District. They also accept the responsibility of making up missed classroom assignments.

RULES REGARDING STUDENT MEETINGS AND GATHERINGS

Student meetings or gatherings in school buildings or on school grounds may function only as authorized by the Board of Education or a school administrator. Building administrators must be informed, at least two weeks, in advance and may impose reasonable restrictions on the time and place of student gatherings or assemblies.

- a. If the building administrator denies permission for a student gathering or assembly, the building administrator will provide a written explanation.
- b. Denial may be appealed in writing to the Superintendent who may affirm, reverse, or modify the action of the building administrator. The reasons for such action will be provided the student in writing within five school days of receipt of the appeal.
- c. Attendance at meetings and assemblies is limited to students regularly enrolled in that building unless prior approval is given by the building administrator.

7. SEARCH and SEIZURE

Various types of equipment, including, but not limited to, hall lockers, gymnasium lockers, storage bins and musical instrument lockers are assigned to students for their convenience of storage. These facilities remain the property of the school district. They are not to be construed as belonging to or for the sole use of the student, even though the student assumes full responsibility for the security of such equipment. The school district maintains a master pass key which opens storage facilities as well as combination locks.

To maintain order and discipline in the schools and to protect the safety and welfare of students and school personnel, school authorities may conduct a search and may seize any illegal, unauthorized or contraband materials discovered. Students should not expect privacy regarding items placed in school property because school property is subject to search at any time by school officials. Periodic general inspections of lockers and desks may be conducted by school authorities for any reason at any time without notice, without student consent and without a search warrant. Law enforcement agencies may assist staff in searches, employing the use of dogs as well as mechanical devices for the discovery of contraband.

A student's failure to permit searches and seizures as provided in this policy will be considered grounds for disciplinary action. A student's person and/or personal effects (i.e. purse, book bag, athletic bag, electronic devices, or automobile) may be searched whenever a school official has reasonable suspicion to believe that the student is in possession of illegal or unauthorized material, contraband, evidence of a crime or evidence of a violation of this code.

Contraband

Materials or items whose possession by students is prohibited by this code, by building policy or by law is deemed contraband without the necessity of a hearing or other due process procedures. Contraband materials (including electronic devices) confiscated or obtained by school staff or delivered to school staff may be turned over to parents, destroyed or turned over to law enforcement authorities, as determined by building administrator.

8. RIGHT TO APPROPRIATE DRESS AND APPEARANCE

Parents and students will work together to wear clothing in a neat, clean, and well-fitting manner while on school property and/or in attendance at school sponsored activities. Students are to use discretion in their dress and are not permitted to wear apparel that causes a substantial disruption in the school environment.

All Memphis Community Staff will monitor student dress and encourage students to follow dress code expectations.

Dress Code Update

1. Student dress (including accessories) may not advertise, promote, or depict alcoholic beverages, illegal drugs, drug paraphernalia, violent behavior, or other inappropriate images.
2. Student dress (including accessories) may not display lewd, vulgar, obscene, racist, or offensive language, pictures or symbols, including gang symbols.
3. Student accessories may not include potentially dangerous items such as chains, pointed rings, and metal spikes.
4. Coats, bandanas, sweatbands, and sunglasses may not be worn in the building during the school day, with the exception of headwear for religious reasons.
5. Hats may be worn in hallways, common areas, the cafeteria and the classroom. Hats must be school appropriate and must not disrupt the learning environment. This does not include hoods. Hoods may not be worn during school hours.
6. Student dress shall not expose stomachs or backs, undergarments such as bras, camisoles, slips, underwear of any kind and boxers, including see through garments. Spaghetti straps, low-cut tops, strapless clothing, and pajamas are not acceptable.
7. Clothing with holes, rips, tears, and clothing that is otherwise poorly fitting, showing skin (above the mid thigh) is not permitted. Students may wear these items provided there is a garment underneath to cover exposed areas. Undergarments may not be worn at school. Pants must be worn at the waist.
8. The length of shorts or skirts must be mid thigh length or longer and be appropriate for the school environment.
9. Appropriate footwear must be worn at all times. All students may wear flip flops and sandals at their own discretion.
10. If there is any doubt about dress and appearance, the building principal will make the final decision on appropriateness of attire including length of shorts and or holes in pants.
11. Student whose dress causes a substantial disruption of the orderly process of school functions or endangers the health or safety of the student, other students, staff or others when asked to change and refuse to do so, may be subject discipline.

12. Students participating in extracurricular activities or events may be required to dress accordingly.

9. STUDENT EXERCISE OF RIGHTS AND PRIVILEGES

A student will not be punished or penalized by any member of the school faculty or administration solely because the student exercises any of the rights or privileges described in this Code. Any student may appeal a violation of this regulation, in writing, to the Administrator of the building in which he or she is enrolled. The building administrator will promptly hear and consider the appeal and decide the same in writing.

10. GENERAL LIMITATIONS

Because educational institutions must be orderly institutions, individual rights must be exercised in such a manner as to recognize the rights of all.

- a. Students are to communicate ideas or beliefs only by means that will not constitute or bring about a disruption of school activities.
- b. Student support of, or participation in, any kind of action is not permitted when such action would disrupt usual school activities, violate any laws, or interfere with the rights of others.
- c. Communication of an obscene or defamatory nature or those that advocate racism, sexual, ethnic or religious discrimination are not permitted. A determination as to whether such material violates this paragraph will be made by the building administrator.
- d. Students are required to carry and to present upon request at all reasonable times identification cards issued by the administration.
- e. Non-students will not be allowed or admitted into the building during the school day without prior permission from building administration or designee.

Student Code of Conduct Violations

The three (3) levels of violations on the following pages are not all-inclusive, but only representative and illustrative. A student who commits an act of misconduct that is not listed is also subject to disciplinary action. If a disabled student violates this Code, additional guidelines may be followed under relevant laws.

A variety of intervention strategies and disciplinary actions may be used at each level depending on the severity of the offense, or notifications to police required by state law.

Level I Violations

A level I violation is behavior which disrupts the educational process or interferes with teaching and learning. For the most part, Level I violations disrupt or interfere with a student's own learning environment, attendance or punctuality. Depending on severity or repetition, a Level I violation may be identified as a Level II or Level III violation.

1. **Chronic lack of supplies:** Repeatedly reporting to class lacking necessary materials such as books, physical education attire, technology education class supplies, etc.
2. **Disruptive Behavior:** Disregarding school rules or policies, or behaving in a manner which disrupts or interferes with educational activities.
3. **Inappropriate Display of Affection:** Kissing, embracing or engaging in affectionate activity that exceeds standards of good taste and common decency.
4. **Inappropriate Physical Contact:** Physical contact, or aggressive behavior, that could result in unintentional injury to another person.
5. **Inappropriate Dress and Grooming:** Dressing and grooming in a manner which disrupts the educational process or is detrimental to the health, safety and welfare of others.
6. **Possession or Inappropriate Use of Personal Property:** Possessing or carrying personal property prohibited by school rules or otherwise disruptive to the teaching and learning of others, including but not limited to: food, beverages, personal entertainment devices, electronic pagers, radios, cassette players, compact disc players, cell phones, i-pods, MP3 players, communication devices including interactive hand held computing devices or laser lights. Certain devices may be permitted if approved by the Board or its designee.
7. **Leaving without Permission:** Students are prohibited from leaving the campus, school, classroom, cafeteria or assigned area without permission from building administrator or designee.
8. **Tardiness:** Failing to be in a proper place and prepared for instruction at the assigned time without a pass.
9. **Truancy:** Failing to report to class or school without prior permission, knowledge or excuse by the school or parent/guardian.
10. **Violating Technology Use Guidelines:**

Level II Violations

A Level II Violation is a behavior which seriously disrupts the educational process or interferes with teaching and learning. For the most part, Level II Violations disrupt or interfere with another person's right to an appropriate learning environment. In addition, depending upon severity or repetition, a Level II violation may be identified as a Level III violation.

- 1 **Academic Misconduct:** Engaging in academic dishonesty, including cheating, intentionally plagiarizing, wrongfully giving or receiving help during an academic examination, and wrongfully obtaining test copies or scores.
- 2 **Assault:** Physically or verbally threatening with intent to harm or place a person in imminent danger; harmful or offensive contact.
- 3 **Battery:** Intentional physical contact without consent or after consent is withdrawn.
- 4 **Inappropriate Use of Technology:** Using a cellular telephone, video recording device, personal digital assistant (PDA), or similar electronic device in any manner that disrupts the educational environment or violates the rights of others.
- 5 **Failure to Show:** Failing to serve an assigned detention for which students and/or parents/guardian have been notified.
- 6 **Fighting:** Engaging in aggressive, physical conflict.
- 7 **Forgery/Giving False Information:** Intentionally misrepresenting information to school district personnel.
- 8 **Gambling:** Playing or assisting in any unlicensed or unauthorized game of skill or chance for money or anything of value or possessing gambling paraphernalia or materials.
- 9 **Gang Activity:**
 - Gang means a group of two or more persons whose activity include the commission of illegal acts or violations of school rules or policies.
 - Gang related means any object, gesture, or action that may reasonably be perceived or is generally considered by any student, teacher or administrator to be evidence of membership in. or affiliation with any gang.
 - A student shall not wear or possess any clothing, jewelry, symbol or object that is gang related; a student shall not commit any act, verbal or nonverbal (gestures, handshakes, etc.) that is gang related; a student shall not commit any act, verbal or nonverbal, to further the interest of any gang or gang related activity, including, but not limited to: a.) soliciting others for membership in any gang or gang related activity and b.) requesting any person to pay for protection or otherwise intimidating or threatening any person.
- 10 **Hazing:** Intentionally creating peer pressure on another person, demanding disagreeable acts from the person, or by use of abusive or humiliating tricks.

- 11 **Harassment/Verbal Abuse:** Disturbing by pestering or tormenting, including any oral or written intimidation because of, but not limited to a person's race, color, religion, gender or ethnicity.
- 12 **Inappropriate Use of a Motor Vehicle:** Driving in an unsafe manner, failing to register one's vehicle, failing to display a parking decal/permit or parking in an unauthorized area.
- 13 **Insolence:** Displaying verbal or nonverbal disrespect toward school personnel or others.
- 14 **Insubordination:** Failing to comply with reasonable direction or instruction from staff, or refusing to identify oneself. Disobeying rules of student conduct or directives from staff members or school officials
- 15 **Loitering:** Remaining or lingering on school property without a legitimate purpose and/or without proper authority.
- 16 **Intimidation/Threat:** Intimidating or threatening to do bodily harm. Coercing or inciting another to act or refrain from acting.
- 17 **Sexual Harassment:** Unwelcome sexual advances, contact, requests for sexual favors or other verbal or physical conduct or communication of a sexual nature.
- 18 **Theft:** Taking, possession or transfer of property of others (Value less than \$100.00) without prior permission or consent of the owner.
- 19 **Trespassing:** Entering any school property without proper authority, including while suspended or expelled, or refusing to leave when directed to do so by authorized personnel.
- 20 **Use of Profanity:** Writing, speaking, or gesturing in a manner which conveys an offensive, profane or sexually suggestive message.
- 21 **Vandalism:** Intentionally causing damage or disabling school property or the property of others, including damage which can be repaired or replaced at no cost to the school.

Level III Violations

A level III violation is a behavior of an aggravated nature, generally unlawful, which seriously disrupts or interferes with teaching, learning or the effective function of the school.

1. Using, possessing, distributing, purchasing, or selling tobacco products/materials including e- cigarettes.
2. Using, possessing, distributing, purchasing, or selling alcoholic beverages (Malt beverages labeled as "non alcoholic" including but not limited to Sharps, O'Douls, and others, may contain alcohol)
3. Using, possessing, distributing, purchasing, or selling:
 - Any illegal drug, controlled substance, or cannabis (including marijuana and hashish).
 - Any anabolic steroid or performance-enhancing substance not administered under a physician's care and supervision.

- Any prescription drug when not prescribed for the student by a licensed health care provider or when not used in the manner prescribed.
 - Any inhalant, regardless of whether it contains an illegal drug or controlled substance.
 - “Look-alike” or counterfeit drugs, including a substance not containing an illegal drug or controlled substance
 - Drug paraphernalia, including devices that are or can be used to: (a) ingest, inhale, or inject cannabis or any controlled substances into the body; and (b) grow process, store, or conceal cannabis or controlled substances.
 - Students who are under the influence of any prohibited substance are not permitted to attend school or school functions and are treated as though they have the prohibited substance, as applicable, in their possession.
4. Intentionally starting any fire or combustion (arson)
 5. Explosives, bomb threats, fireworks.
 6. Falsely reporting a fire or crime to school, police or fire officials, setting off a fire alarm without reasonable belief that a fire exists, tampering with any fire safety device or falsely calling a 911 emergency.
 7. Using, possessing, controlling, or transferring a dangerous weapon as defined by Michigan law or any item which may be used to cause or threaten harm to others, or a “look alike” weapon.
 8. Bullying, hazing, or any kind of aggressive behavior or encouraging other students to engage in such behavior.
 9. Breaking and entering any school building, facility, vehicle, property, office, room, storage space or other enclosure without authority to do so.
 10. Causing or attempting to cause damage to, stealing, or attempting to steal, school property or another person’s personal property. (Valued \$100.00 or more)
 11. Violating any criminal law, including but not limited to, assault, sexual assault, battery, arson, theft, gambling, eavesdropping, and hazing.
 12. Engaging in any activity, on or off campus, that interferes with, disrupts, or adversely affects the school environment, school operations, or an educational function, including but not limited to, conduct that may reasonably be considered to: (a) be a threat or an attempted intimidation of a staff member; or (b) endanger the health or safety of students, staff, or school property.
 13. Sending, receiving or possessing sexually explicit or otherwise inappropriate pictures or images, commonly known as “sexting.”
 - 1. For purposes of these rules, the term possession includes having control, custody, or care, currently or in the past, of an object or substance, including situations in which the item is: (a) on the student’s person; (b) contained in another item belonging to, or under the control of, the student, such as in the student’s clothing, backpack, or automobile; (c) in a school’s student locker, desk, or other school property; (d) at any location on school property or at a school-sponsored event; or (e) in the case of drugs and alcohol, substances ingested by the person.

• 2. **Memphis Jr/Sr High School Student Vape/Tobacco Possession/Use Policy**

Memphis Jr/Sr High School recognizes the importance of the general health, safety and welfare of all stakeholders and believes it is in the best interest of all stakeholders to restrict the ability to possess and/or use tobacco or nicotine related products, including vape and vape related products, on school property at all times. In accordance with Memphis city ordinance #204, Memphis Jr/Sr High School will begin enforcing a new policy on tobacco/vape products and related products beginning Monday, April 8, 2019. The policy is in place to ensure that students, staff and guests of Memphis Community Schools are able to learn, work and enjoy extracurricular activities in a healthy environment.

Possession of vape or tobacco on school property:

- First offense Possession: Ticket from liaison officer (\$50) and warning.
- Second offense Possession: (same school year): Ticket from liaison officer (\$50) and 1 day OSS with a restorative contract.
- Third offense Possession: (same school year): Ticket from liaison officer (\$50) and 2 days OSS, restorative contract review with student/parent and school officials.
- *Fourth offense Possession (same school year): Ticket from liaison officer (\$50), meeting between the principal, liaison officer and/or superintendent and the student and parents.

Use of vape or tobacco on school property:

- First offense use: Ticket from liaison officer (\$50) and 1 day OSS with a restorative contract.
- Second offense use: (same school year): Ticket from liaison officer (\$50) and 2 days OSS, a restorative contract is reviewed with student, parent and school officials.
- Third offense use: (same school year): Ticket from liaison officer (\$50) and 3 days OSS, a restorative contract is reviewed with student, parent and school officials.
- *Fourth offense use: (same school year): Ticket from liaison officer (\$50), meeting between the principal, liaison officer and/or superintendent and the student and parents.

*Behavioral intervention will be decided upon completion of student meeting. The student will not attend school until the meeting is held.

Interviews of Students by Police or Other Public Agencies

The school district endeavors to cooperate with law enforcement agencies.

Students under the age of (17) seventeen will have parent notification or parents present prior to questioning by police or law enforcement agency.

The School Officer Liaison may be present during interviews led by school administration, and may assist school personnel as needed.

Progressive Discipline Standards

Administration/Staff may use intervention strategies such as teacher/student/parent conferences, behavior contracts, removal of special events, daily/weekly progress reports, restitution/restoration, after school or Saturday detentions, or in house suspensions for Level I violations.

Staff will refer Level II and III violations directly to administration because of their serious and/or unlawful nature.

The severity of the offense will determine the recommended disciplinary action. Steps may be skipped at the discretion of the administration for excessively severe major offenses.

Major offenses will be four (5) step disciplinary procedures;

1. 1 day out of school suspension
2. 3 days out of school suspension
3. 5 days out of school suspension
4. 10 days out of school suspension
5. 10 days out of school suspension and referral to superintendent with recommendation for expulsion

Each offense will result in the next disciplinary step.

Students with a pattern of detentions will be recommended for the following progressive discipline:

- When a student reaches his/her 5th detention during a semester, the student will be suspended from school for one (1) day.
- 6th detention in one semester, that student will be suspended from school for three (3) days.
- 7th detention in one semester, that student will be suspended from school for five (5) days.
- 8th detention in one semester, that student will be suspended from school for ten (10) days.
- Should a student receive further detentions in one semester, that student will be recommended to the superintendent for possible expulsion from school on the grounds of incorrigibility.

NOTE: Any student suspended from school will not be allowed to attend or participate in any school sponsored activity, including graduation activities, prom or athletic contests.

NOTE: Drug and weapon related offenses pose an immediate threat to student safety. Out of school suspension length may be increased for first offense.

NOTE: Fighting related offenses pose an immediate threat to student safety. Out of school suspension length may be increased for first offense.

STUDENT DISCIPLINE – SCHOOL BUS TRANSPORTATION

Since it is very important for the safety of our students while being transported on a school bus, it is the philosophy of the Memphis Community School District that behavior on a bus is an extension of the students conduct in the classroom. Discipline problems on a school bus will be dealt with the “School Response to Level I, II, or III Violations” listed in the Uniform Code of Conduct. In addition the following disciplinary measures may be implemented by the Principal or designee:

Regular Bus Runs:

Any student who is deemed to cause a disturbance on the bus, thereby impairing the safety of other passengers and himself, may be given a Bus Violation Ticket. Tickets will be issued under the following guidelines:

Elementary School

Warning Notice – Parental notification of inappropriate student behavior.

First Ticket – One day off of the school bus, but may result in a period of suspension, depending on the severity of the violation.

Second Ticket – Three school days off of the bus.

Third Ticket – Five school days off of the bus.

At the time of the second or third ticket, either the bus driver or the parent may request a meeting with the parties involved.

If the need arises for a fourth ticket, it may result in no less than ten (10) school days off of the bus, and may result in up to ninety (90) school days off the bus. These suspensions will carry over to the next school year. Parents will be notified before the suspension is enforced.

Jr/Sr High School

First Ticket –One to Three school days off of the bus, but may result in a period of suspension, depending on the severity of the violation.

Second Ticket –Three to Five school days off of the bus.

Third Ticket – Five to Ten school days off of the bus.

If the need arises for a fourth ticket, it may result in no less than ten (10) school days off of the bus, and may result in up to ninety (90) school days off the bus. These suspensions will carry over to the next school year. Parents will be notified before the suspension is enforced.

Tec Center Runs

Riding the Tec Center bus is an earned privilege. Proper behavior must be displayed at all times, from all students. A meeting will be held within the first two weeks of school with the students to discuss discipline on the Tec Center bus. A letter requiring student and parent signatures will be issued and returned that will verify knowledge of student discipline procedures.

When a student is suspended from the bus, it will be the parent's responsibility to transport the student to and from the Tec Center or any school event scheduled for days of bus suspension. (athletics, band)

If in the opinion of an administrator, the severity of the ticket warrants a greater number of days off the bus, then the greater number shall be given. (Example: lighting a match or cigarette, fighting, gross insubordination, etc.) These suspensions will carry over to the next school year. Parents will be notified before the suspension is enforced.

If a student has to be removed from a bus during a run, it may result in further school discipline, such as detentions or suspensions.

Hearing

Students suspended from the bus are entitled to a hearing within five days of the violation. The hearing will be with the building Principal, Transportation Supervisor, Bus Driver, Union Representative, the Student and his/her parent/guardian.

At a parent's request a meeting will be scheduled if necessary with school administration, transportation director and bus driver to discuss bus behavior or concerns.

PROCEDURE FOR STUDENT INTERNET/ON-LINE SERVICES USER RULES AND AGREEMENT

The Memphis Community School District has the capability of offering Internet Access to its students. Access to the Internet enables students to exchange electronic mail messages with other users and explore thousands of libraries, databases and bulletin boards throughout the world. Use of the Internet and other on-line information services is a privilege extended to students, faculty and staff to enhance learning opportunities. Personal use of email, both sending and receiving, by students during school hours is prohibited.

Although the Internet offers valuable resources and opportunities for learning, some material accessible on-line may be illegal, defamatory, inaccurate or potentially offensive to some people. Use of the Internet and other on-line services in the district is restricted to activities, which support district educational goals and objectives.

The district respects each family's right to decide whether or not to allow their child to apply for access to the Internet and other on-line information services. Parental permission is required for students under the age of 18 to use on-line resources in the Memphis Community School District. The following guidelines have been established regarding the Internet and other on-line services:

1. Students are responsible for good behavior on school computer networks, just as they are in classrooms and school hallways.
2. Memphis Community School District administrators will deem what is inappropriate use of the Internet and other on-line information services and their decisions are final.

3. The administration, faculty and staff of the Memphis Community School District may deny, revoke or suspend student access accounts for inappropriate use of the Internet and other on-line information services.
4. The Memphis Community School District reserves the right to review any material stored in files and may edit or remove any material which the staff, in its sole discretion, believes may be unlawful, obscene, abusive or otherwise objectionable.
5. Transmission of any material in violation of U.S. or State regulations, including copyrighted, threatening or obscene materials, is prohibited, and may result in suspension and/or recommendation for expulsion and/or legal action.
6. Use for commercial activities by for-profit organizations, product promotion, political lobbying or illegal activities is prohibited.
7. The following uses of the internet and other on-line information services are not permitted:
 - a. Sending, receiving or displaying offensive messages or pictures
 - b. Using obscene language
 - c. Harassing, insulting or attacking others
 - d. Damaging computers, computer systems or computer networks
 - e. Violating copyright laws
 - f. Using another person's account and/or password
 - g. Giving your account and/or password to another person
 - h. Trespassing in another person's folders, work or files
 - i. Intentionally wasting limited resources
 - j. Employing the network for commercial purposes
 - k. Divulging personal information about yourself or others to strangers (includes addresses, telephone numbers, credit card numbers, passwords or other confidential information).
 - l. Unauthorized installation, removal or modification of computer hardware, software or network connections.

Violations will result in a loss of access as well as other disciplinary or legal action. School disciplinary action will be determined by the school administration in accordance with the Student Code Handbook and Board of Education policies and may result in suspension and/or expulsion and/or legal action.

ATTENDANCE

~ ATTENDANCE PHILOSOPHY~

Memphis Community Schools require a high level of participation in engaged learning. Regular class attendance enables students to benefit from the classroom discussions, presentations, and interactive activities. These shared academic experiences are integral to the learning process and cannot be re-created or replicated.

Michigan Law requires compulsory attendance for all students. Children between the age of six and eighteen must attend school. Students are expected to be in school and in class every day. They should be on time, attentive, and prepared with proper materials to be actively involved in the class. Consequences of truancy may result in failing grades, parental conferences, and/or a referral to the St. Clair County Truancy Officer.

Parents are expected to notify the school promptly of any absence or extenuating circumstances regarding illness or personal and family problems which may have an effect on attendance. Every effort should be made to schedule routine appointments after school hours, and family vacations should be planned during the holidays outlined on the school calendar. Parents should discuss the importance of good attendance with their student and avoid supporting any abuse of the Attendance Policy.

Teachers are expected to maintain accurate daily attendance records, and report them properly to the office. A teacher has the professional responsibility to begin class on time and provide a consistent classroom environment that is a challenging, rewarding, and stimulating experience.

Tardiness or absence related to a child or youth's living situation will be excused. Efforts will be made to assist the student to promote daily attendance and completion of missed assignments.

To promote this philosophy and to assist students in developing lifelong responsible attendance patterns, the following regulations will be implemented:

Parents will be notified when absences or a pattern of absences result in failing schoolwork, gives evidence of behavior problems or are without valid excuse. A parent conference will be requested to develop an action plan to resolve any attendance concern.

If the pattern of unexcused absences continues it will result in Truancy Officer or Court interventions.

Memphis Community Schools will use the following definitions concerning school attendance.

- Truant: at least 10 unexcused absences per school year
- Chronically absent: is absent 10% of a scheduled school year- 18 excused or unexcused days
- Disciplinary Absence: absence that is a result of disciplinary action imposed by school officials and is neither an unexcused or excused absence.
- Excused Absence: Documented absences for the following reasons (illness, medical appointments, observance of a religious holiday, death in pupil's family, emergency beyond control of family, mandated court appearance, Pre approved education opportunity, military service of pupil's family, homelessness)
- Unexcused Absence: any absence that is neither an excused absence nor a disciplinary absence.
- Documentation: Written documentation by parent or licensed medical professional.

ATTENDANCE POLICY PROCEDURES

It is extremely important that students attend class daily. Student's grades are severely affected by frequent absences from school. Upon returning to school it is the student's responsibility to request missed assignments, complete them and return them to the appropriate teacher. All absences, (excused, unexcused, pre-arranged) count toward truancy.

Procedure When Absent

The parent or guardian must call the school office where their child attends, before 9:00 a.m. on the day of the student's absence. Students will be considered truant until parental contact verifies the student's absence. Absences are considered excused if a parent has called in to report the absence. Absences include illness, court date, funeral, pre-arranged absence, or a similarly legitimate reason.

Documentation is recommended for student absences from parent or medical provider to assist administration in determination of possible truancy.

If a student is absent for two or more days, parents may call the office to request make-up work. Requests received by 9:00 a.m. will be available within 24 hours. Students will have two days for each day absent to complete assignments and turn them in to the appropriate teacher. If a student is absent on the day of a scheduled test, the test will be taken on the day the student returns.

Tardies

Students are expected to be on time and prepared for class. Students arriving to school after the final bell must sign in at the office. Students not in their classroom at the starting time will be considered tardy.

In the Junior/Senior High, students will be considered absent for the class hour if they are more than 15 minutes late to class or leave fifteen minutes or more prior to the end of class. A student demonstrating a pattern of tardies will be subject to a progressive discipline program ranging from detentions up to and including expulsion.

Pre-Arranged Absence

Pre-arranged absence forms may be obtained from the school office. A pre-arranged absence form is to inform teachers of a prolonged absence. Pre-arranged absences are to be arranged/approved at least three (3) days in advance of the absence. A phone call to the office is not required once a pre-arranged absence has been approved. Teachers are not required to give out assignments prior to a family vacation.

Signing In/Out

Parents must come to the office to sign their child in or out of class. A pass from the office is required to enter the classroom after the bell has rung.

In the Elementary School, students must be picked up from school by an authorized person, per the data card.

In the Junior/Senior High School, students must have a note from a parent/guardian, or permission from the office to leave the school premises. Students leaving without permission will be given a one (1) day, out of school suspension.

Early Dismissal

To ensure smooth and orderly dismissal, Elementary School students will not be dismissed from class after 2:40 p.m.

Students Beyond Compulsory Attendance Age

Compulsory school attendance ends at the age of eighteen (18). The Board of Education assumes that the student who is over the compulsory age is seriously seeking an education. However, when a student eighteen (18) years or older demonstrates that this is not the case; the student shall be dropped from the regular school program by the administration until it is evident that the student is willing and capable of pursuing an education seriously.

SUSPENSION AND EXPULSION

The school is a part of the total community. School rules and regulations are established for the protection of all of its members. Violations of school rules and regulations (on school property, en route to or from school or school activities, on school vehicles, and during or in connection with school-sponsored activities or off-campus misconduct of a serious or criminal nature) are cause for disciplinary action. It should be noted that days will mean school days.

Prior to implementation of suspension or expulsion the student will be informed of claimed infraction and will be given an opportunity to respond to the charges. The student must always be advised of his or her right to appeal.

1. LEGAL BASIS FOR SCHOOL DISCIPLINE

(School Code of 1976)

“Sec. 1300. The Board of a school district shall make reasonable regulations relative to anything necessary for the proper establishment, and carrying on of the public schools of the district, including regulations relative to the conduct of pupils concerning their safety while in attendance at school or en route to and from school.”

“Sec. 1311. (1) Subject to Subsection (2), the School Board, or the school district superintendent, a school building principal, or another school district official if designated by the School Board, may authorize or order the suspension or expulsion from school of a pupil guilty of a gross misdemeanor or persistent disobedience if, in the judgment of the School Board (or designee), as applicable, the interest of the school is served by the authorization or order. If there is reasonable cause to believe that the pupil is handicapped, and the school district has not evaluated the pupil in accordance with rules of the State Board to determine if the student is handicapped, the pupil shall be evaluated immediately by the Intermediate School District of which the school district is constituent in accordance with Section 1711.”

2. TYPES OF DISCIPLINARY ACTION

a. IN-SCHOOL SUSPENSION

In-school suspension is exclusion from regular class(es) and school activities for up to three (3) full days with the requirement that the student attend the In-School Suspension Program

- (1) This action may be taken by the building principal (or designee).
- (2) Cause for this action is a violation of school rules and regulations.
- (3) Parent(s) and/or legal guardian(s) and the student, if 18 years of age, will be notified of this action by phone and/or letter. The school administration will determine the need for a parent conference, prior to student readmission. If, however, the parent requests a conference, the administrator will honor this request.
- (4) Students placed on in-school suspension will be allowed to make-up class work.
 - Students will be responsible for obtaining assignments from their teachers prior to the suspension date.
 - They will take all needed materials to the in-house suspension room.
 - Completed assignments will be turned in on the day following the suspension.
 - If a student arrives at in-house suspension without work, parents will be contacted to pick up their student and the day will be treated as an out of school suspension day (or the following day if pick up is not possible).

b. OUT-OF-SCHOOL SUSPENSION

Out-of-school suspension up to ten (10) days is exclusion from school premises, classes and activities for a period not to exceed ten (10) days.

- (1) This action may be taken by the building principal (or designee).
- (2) Cause for this action is a violation of school rules or regulations.
- (3) Parents and /or legal guardians and the student, if 18 years of age, will be notified of this action by phone and letter. The school administration will determine the need for a parent conference prior to the student re-entering. If, however, the parent requests a conference, the administrator will honor this request.

c. TEACHER SUSPENSION Public Act 103 of 1999

A teacher may suspend a student from the teacher’s class, subject or activity for up to one full school day in accordance with state law and board policy, if the student engages in any of the following types of conduct or other disruptive behaviors during the class, subject or activity:

1. Physically fighting.

2. Possessing, using or under the influence of alcohol or a controlled substance.
3. Having a dangerous weapon: as defined by the Revised School Code.
4. Directing profanity, vulgar language, obscene gestures, racial or ethnic slurs toward the teacher or other students.
5. Destroying or defacing school property.
6. Refusing to obey safety rules, wear safety glasses, or other safety required attire.

The teacher must have good reason to believe that the student's conduct in the class, subject or activity constitutes one of the types of conduct listed above, unless the student's conduct would require expulsion by law. For all other conduct, the teacher must handle the matter in accordance with the standard disciplinary process used in the school building. The teacher may also elect to not exercise the teacher suspension rights provided in this policy and handle the matter in accordance with the standard disciplinary process used in the school building.

If the teacher suspends the student, the teacher shall immediately report the suspension and the reason for the suspension to the school principal or the principal's designee for appropriate action consistent with the code of conduct. If the student remains in school, the student shall be under appropriate supervision. The student will not be returned that school day to the class, subject or activity from which he or she was suspended without the concurrence of the suspending teacher and the school principal.

As soon as possible after the teacher imposed suspension, the teacher shall contact the student's parent/guardian and schedule a parent-teacher conference to discuss the suspension. If possible, the parent-teacher conference should be scheduled during the teacher's non-instructional time, or before or after school. The teacher must report the outcome of the parent-teacher conference to the principal in writing. Whenever practicable, a school counselor, school psychologist, or school social worker should attend the conference at the teacher's, or the parent/guardian's request. A record of the teacher-imposed suspension will be kept on the form provided.

These guidelines do not diminish the due process rights of any student, including a student who has been determined to be eligible for special education programs and services under Federal Law.

d. INDEFINITE SUSPENSION, AS DEFINED BY THE MEMPHIS COMMUNITY SCHOOLS, IS TO BE INTERPRETED AS FOLLOWS:

- (1) Removal from school pending action at a higher level, or awaiting disposition of civil authorities.
- (2) This action may be taken by the Superintendent of schools (or designee) upon the recommendation of the principal.
- (3) Causes for this action are "gross misdemeanor" or "persistent disobedience," "the student's inability to be educated in the school environment, or conduct which endangers the welfare of other pupils or the welfare of property of other persons or the welfare of school district property.
- (4) Parents and/or legal guardians and the student, if 18 years of age, will be notified in writing of this action.
- (5) The Superintendent (or designee) will notify the Board of Education of the student's suspension. A hearing will be held within ten (10) days unless an extension of time is authorized by the board president where there is sufficient reason for extension.

e. COUNTING SUSPENSION DAYS

Suspension days will be counted starting on the day the student is denied participation in school activities other than Recreation Department activities.

- (1) The day the student is removed from school should be counted as a day of suspension providing he or she was denied class participation or school activities before noon of that day.
- (2) Times when school is not officially scheduled are not to be counted as part of the suspension time.

f. APPEAL FOR SUSPENSION

Appeals of disciplinary actions or discrimination based on race, sex or handicap may be initiated by students or parents of minor students. Appeals must first be directed to the building principal, who will specify the appropriate level for the appeal to begin.

There will be no appeal process beyond the building level for suspensions of three or fewer days.

The following appeal levels are available in cases of in-school suspensions and out-of-school suspensions of four (4) to ten (10) days:

- First Level – Building Principal
- Second Level – Superintendent

The following appeal levels are available in cases of out-of-school suspensions of eleven (11) or more days:

- First Level – Building Principal
- Second Level – Superintendent
- Third Level – Board of Education

- (1) A request for an appeal will be made within three (3) school days of the date disciplinary action was taken and must be made in writing, stating the adjustments being requested and the reasons. (An oral appeal may be made if three or fewer days remain in the semester.)
- (2) Based on the review of the appeal, the building principal within five (5) school days will notify in writing the adult student or the parents or legal guardian of a student under the age of 18 years of his or her decision to adjust, revoke or sustain the disciplinary action.
- (3) The student and/or the student's parents and affected teachers or coaches have a right to be present at all review hearings and must be notified in advance of the time and place. Both the affected student and the school administration have the right to present a witness at all review hearings.
- (4) Unless the student's presence in school is considered dangerous or disruptive, he or she will be allowed to remain in school and participate in all activities pending the outcome of the appeal.
- (5) Appeal to the next level must be made in writing within three (3) days of receipt of the decision at the lower level and the review hearing at the next level must be held within five (5) days of receipt of the appeal.

g. EXPULSION

Expulsion, as defined by the Memphis Community Schools is to be interpreted as follows:

- (1) Removal from school and exclusion from school district programs and facilities for more than the remainder of the semester by action of the Board of Education. The student must petition the Superintendent for readmission and the written petition must evidence satisfactory elimination of the cause for removal, and compliance with, all reasonable conditions established for readmission.

- (2) This action may be taken by the Board of Education only after an opportunity for hearing is given.
- (3) Causes for expulsion are those defined in the Michigan School Code.
- (4) The school administration will recommend cases for expulsion to the Board of Education through the Superintendent.
- (5) Parents and/or legal guardian and the student, if 18 years of age, will be given notice in writing of the recommendation.
- (6) The Board of Education is vested with final authority in all cases of expulsion.
- (7) The Superintendent will notify the parents and/or legal guardian and the student, if 18 years of age, in writing of the decision of the Board of Education.
- (8) Notice will be considered given when administration sends written notice to the student's most recent address stated in his or her student record via first class mail.

h. EXPULSIONS REQUIRED BY STATE LAW

The Michigan Legislature has mandated that students be permanently expelled for particular offenses. School Authorities have no discretion to reduce or modify that punishment. The state law prohibits other public school district from enrolling expelled students except under special circumstances.

Expulsion is required for at least 180 days for students in sixth grade or above, and at least 90 days for fifth grade or below, for the following offenses:

- Possession of a dangerous weapon, defined as firearm, dagger, dirk, stiletto, knife with a blade over three inches in length, pocket-knife opened by a mechanical device, iron bar or brass knuckles.

Similar penalties apply to:

- Arson
- Criminal sexual conduct
- In the case of sixth graders or above, physically assaulting a school employee, volunteer or contractor.

i. EXPULSION PROCEDURES

- (1) INITIATION OF EXPULSION - The building principal will recommend in writing to the Superintendent that expulsion be considered.
- (2) HEARING FOR EXPULSION – The Board of Education will hear expulsion cases. The hearing date will be set by the Board President. The Superintendent will conduct a hearing in accordance with this *Uniform Code of Conduct*.
- (3) NOTICE OF HEARING FOR EXPULSION – The Superintendent will provide written notice to the parents or legal guardian of the student if under 18 years of age and to the student only if 18 years of age or older. The notice will be mailed to the record address of the student at least five (5) days prior to the scheduled hearing date and will specify:
 - (a) The charges which have been made and the recommendation for expulsion which has been submitted to the Board of Education;
 - (b) The date, time and place for hearing;
 - (c) The student has the right to be represented at the hearing by legal counsel;
 - (d) The right of the student to present witnesses on the student's behalf and to cross-examine witnesses called by the administration; and
 - (e) Will advise the student that the hearing will be open to the public unless a request is made in writing by the student or the parents of a minor student that it will be a closed hearing.

- (4) PROCEDURE AT HEARING FOR EXPULSION – If the student (or representative) attends the hearing, the Superintendent (or designee) of the Board of Education will advise the student and/or parents of the charges. The student will then be advised that the purpose of the hearing is to determine the validity of these charges. The student will be advised that the student or the student’s attorney will have the right to question witnesses who will be present to give testimony in support of the charges. The student will be advised of the right to present witnesses on his or her own behalf. The student will be asked if he or she is represented by counsel.
- (a) The student will then be asked if, understanding the charges, he or she admits or denies those charges. If the student admits or does not contest the charges, it will not be necessary for the hearing panel to proceed with the hearing. However, it will be permissible for the student or his or her counsel to make a statement on his or her behalf and for the Superintendent (or designee) and/or the Board of Education to question the student as to the reasons for his or her behavior. This procedure is intended to assist the Board in arriving at a determination of the appropriate penalty.
 - (b) If the student denies or contests the charges, the hearing will proceed with the appropriate school official presenting witnesses to give testimony as to the charges. The student or his or her attorney will have the opportunity to cross-examine each witness. The student or his or her attorney will also be given the opportunity to present his or her own witnesses, including the opportunity for the student to testify. The members of the Board of Education and/or the Superintendent (or designee) may ask questions of any witnesses.
 - (c) A recording secretary will be present at the hearing.
 - (d) Upon conclusion of the presentation of evidence, the Board of Education findings on each of the charges which have been brought. In the event the student is found to have committed some or all of the acts charged, the Board of Education will determine the appropriate disciplinary action.
 - (e) The student or the parent(s) or legal guardian(s) of a student who is under the age of 18 years will be notified in writing of the decision of the Board.

If neither a student nor his representative appears, the Board of Education will permit the administration to summarize the evidence it intended to present. The panel will conclude the hearing and proceed with the requirements of paragraph four (4), (d) and (e).