



**STUDENT HANDBOOK/
CODE OF CONDUCT
2018-2019**

Mission

We prepare students for success in life.

Purpose

[We exist] to give students the courage to pursue a future full of possibilities.

Core Values

We care about people.

In everything we do, we care about the needs of others while also taking care of ourselves.

Learning is exciting.

We take joy in learning new things. We approach challenges by thinking about the new things we will discover.

We think big and DO.

Our goals push us to excel, and we work hard to accomplish those goals.

We work well by ourselves and in teams.

We work hard on our own and contribute our personal best to the team, and our work together lets us all shine brighter.

Our actions have a purpose.

Before we do anything, we know why we are doing it and how we will go about it.

I. PURPOSE

To provide guidelines for students' rights and responsibilities; To provide regulations governing the behavior of students; and To prevent actions or activities interfering with the school programs and/or are prohibited by law.

The regulations reflected in this Code shall be mandatory and uniformly enforced by the University Prep Schools.

II. ATTENDANCE

Attendance Philosophy

Consistent school attendance is not only legally required but is also critical to school success. Attendance involves arriving at school on time every day and remaining at school for the entire duration of the school day. Being present for instruction, classroom discussions, interactions with classmates and peers is essential for students to reach their goals and achieve their dreams. Chronic absenteeism creates a variety of negative outcomes for young people that include an increased likelihood of poor academic performance, difficulty maintaining positive peer relationships, and disengagement from school.

Michigan school laws are very strict in regard to the compulsory attendance of children 6-18 years of age in school and hold parents/guardians responsible for their child/children's regular attendance in a manner which is "continuous and consecutive for the school year." (MCL 380.1561). Schools are responsible for carefully monitoring student attendance and intervening when continuous and consecutive attendance standards are not met. Teachers, counselors, and administrators have the responsibility to assist students and work with parents/guardians in meeting the goal of acceptable attendance, however the major responsibility for acceptable attendance lies with the student and parents/guardians. If attempts by the school administration to improve a student's attendance fail, it may be necessary to petition the juvenile court or other public agencies for assistance. The prosecuting attorney has the option of filing criminal charges against parents/guardians, filing delinquency charges against a student in family court, filing educational neglect charges against parents/guardians in family court or any combination of these alternatives.

All students are expected to be in school and on time for all classes. Students should be fully aware that interactions in the classroom are an essential component for learning and cannot be duplicated

with make-up work. Students should be attentive and prepared with proper materials in order to be actively involved during class time.

Parents/guardians should discuss the importance of good attendance with their student. They should familiarize themselves with the board approved attendance policy and procedures and comply with them. Every effort should be made to schedule routine appointments after school hours. Family vacations should be planned during holidays as outlined in the school calendar.

Attendance Policy and Procedures

Every teacher is responsible for taking daily attendance and the School Director, or designee, is responsible for monitoring attendance and implementing intervention procedures necessary to establish and maintain high levels of attendance for the school as a whole and every individual student within the school.

EXCUSED ABSENCES

Whenever a student needs to miss school a parent/guardian is expected to contact the school within 24 hours of the absence and provide a reason for the absence. Excused absences shall include the following reasons:

- Personal illness or injury
- Quarantine under direction of a county or city health officer
- Medical or dental appointment
- Attendance at funeral service
- Participation in religious instruction not to exceed 2 hours per week
- Religious holiday or ceremony
- Court appearance
- Absence due to parental active military deployment

An excuse shall include the following information - student's name; parent/guardian's name, date(s) of absence, and reason for absence. There are no exceptions to this rule. The following methods may be used to share this information

- Phone - School phones record messages 24 hours a day, 7 days a week.
- Written note

- In-person conversation (verifying employee will record the information shared by parent/guardian)
- Visit to the student's home by a verifying employee
- Any other reasonable method that establishes the fact that the student was absent and the reason for the absence

STUDENTS 18 YEARS OLD

Students who are 18 years of age may excuse themselves from school if there is a signed parent/guardian consent letter on file in the office granting that privilege to the student. Attendance consequences still apply. In no case may this individual student check out others, including family members, unless there is a corresponding permission on file for each individual in question.

MAKE-UP WORK

Students should request make-up work when they are absent from school. All assignments that were given during a student's absence are to be turned in within the same number of days after the student returns. Make up work from excused absences will be eligible for credit as long as it is submitted by the extended deadline. Work requested prior to an absence will be eligible for full credit. It will be the discretion of the teacher to determine whether assignments missed during an unexcused absence may be made up and be eligible for credit.

TARDINESS

A student is considered tardy if he/she is not in his/her seat at the start of the school day or period of the day. If a student is late to school, he/she is to report to the front desk for a tardy slip. A note, phone call, or in-person explanation must be received from the parent stating the reason for the tardiness.

EARLY DISMISSAL

If a student has to leave school before the end of the school day, a parent/guardian must report to the front desk of the school with ID to check the student out. The parent will be asked to provide an explanation for the early dismissal. This information will be used to determine if the early dismissal is excused or unexcused. Excused early dismissals will include the same reasons as excused absences outlined above.

In emergency situations when this is not possible, notification by phone call, email or written note may be made by a parent/guardian, provided a phone number where the parent may be reached is

included. Emergency notifications must include the name of the person authorized to pick up the student, the person's relationship to the student and a phone number where the person may be reached. If a student is leaving school on his/her own by driving, taking a bus, or walking, the notification must include this information as well. The school office will phone the parent/guardian to verify this information.

RECORDING OF TARDINESS AND EARLY DISMISSALS IN RELATION TO ATTENDANCE

Both tardiness and early dismissals are to be considered a form of student absence. They will affect a student's attendance record in the following manner:

- 1-3 hours in a given day will be recorded as $\frac{1}{2}$ day of absence
- More than 3 hours in a given day will be recorded as 1 day of absence

TRUANCY

A student is considered truant and will be reported to the School Director or designee if the student is:

- absent from school 10% or more of the days of school from the first day of enrollment in a given year until the current date;
- Tardy or absent for more than a 30-minute period during the school day without a valid excuse on three consecutive occasions
- Any combination of the above

REPORTING AND NOTIFICATION

1. The School Director of each school will designate a staff person responsible for generating weekly absence reports and tracking accumulation of absences over time.
2. When any student is truant (as described above), Truancy Letter #1 will be sent by the designated school official to the parent/guardian along with a copy of the Attendance Policy. The purpose of this letter is to let the parent know that the student is in violation of school policy and State of Michigan law and that this pattern of attendance must be corrected. This letter, and all subsequent letters sent home shall be sent by Certified Mail, return receipt requested or some other form of mail that can be tracked. This letter must be signed by the parent and returned to the school within 5 days.
3. If after 30 school days, the student continues to be absent from school more than 10% of the time (cumulative since the beginning of the school year or the date of the student's

enrollment in any given year) , **Truancy Letter #2 - Conference Request** will be sent to the parent/guardian by the designated school official and a parent/guardian conference will be scheduled to develop an intervention plan/contract.

4. If the student continues to maintain more than 10% absences 30 days after the school/parent conference, the student will be referred to the **School Attendance Review Team (SART)**.
5. If the parent/guardian refuses to attend a school/parent conference, the student will be immediately referred to the **School Attendance Review Team (SART)**.

THE SCHOOL ATTENDANCE REVIEW TEAM

The purpose of the SART is to identify and remove all barriers to a student's full attendance. It is the responsibility of school personnel to explore every possible option to address student attendance issues with the parent/guardian. The school will consider all relevant school-based and/or community-based social services that would help resolve the issues identified.

Members of the SART will include the School Director or designee, the designated school official responsible for monitoring and managing attendance records, and any other school personnel the School Director/designee deem appropriate. The SART panel will discuss the attendance problem with the parent/guardian (and student when appropriate), define underlying issues causing the problem and develop a plan to resolve to support the student and family in maintaining a pattern of consistent and continuous school attendance necessary for academic progress.

- The SART panel shall direct the parent/guardian that no further unexcused absences (or in the case of students missing at least 10% of days of school - no further absences of any kind) can be tolerated
- The parent/guardian shall be required to sign a contract formalizing the agreement to improve the student's attendance or face additional administrative action
- The contract will identify corrective actions required and will indicate that the SART panel shall have the authority to order one or more of the following consequences for non-compliance with the terms of the contract:
 - Student retention in grade
 - Loss of course credit
 - Meeting with CEO/Superintendent
 - Loss of school event privileges
 - Required remediation plan as set by the SART
 - Referral to the County District Attorney for prosecution

- Filing of an educational neglect complaint with Child Protective Services
- Notice of the SART recommended corrective action(s) will be provided to the parent/guardian in writing.
- If the conditions of the SART are not met, the School Director will schedule a meeting with the District CEO/Superintendent to plan next steps. If, after the above procedures have been followed, the student continues to have unexcused absences, tardies or early dismissals or has excused absences that continue the pattern of less than 90% attendance, the parent/guardian will receive notification that the student is in violation of the SART contract. The parent/guardian (and student when appropriate) will be required to appear before the CEO/Superintendent or designee to discuss the absences. After this meeting, or after reasonable attempts by the CEO/Superintendent or designee to schedule such a meeting, if the parent/guardian is unresponsive, it may be deemed that the parent/guardian has voluntarily disenrolled the student from school.
- For all communications set forth in this process, the school will use the contact information provided by the parent/guardian in the registration packet or the most recently updated contact information in the school's Student Information System. It is the parent/guardian's responsibility to update the school with any new contact information.
- If a student is absent ten (10) or more consecutive days without a valid excuse and the parent/guardian cannot be reached at the phone number or address provided in the registration packet and does not otherwise respond to the school's communication attempts as set forth above, the student will be in violation of the SART contract, and the SART panel will recommend that the student be deemed to have voluntarily disenrolled and notification of the disenrollment will be sent to the student's district of residence.

NOTICE OF NON-DISCRIMINATION AND HARASSMENT

University Prep Schools is committed to fostering an environment that is free from all forms of harassment and discrimination. University Prep Schools does not discriminate on the basis of race, sex, pregnancy, color, creed, national origin, religion, familial status, weight, height, marital status, or disability, as required by Titles VI and VII of the Civil Rights Act of 1964 as amended, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and all applicable state and federal laws.

TITLE IX POLICY

In accordance with Title IX of the Education Amendments of 1972 (Title IX), students, employees, and candidates for admission to any educational program and/or employment are protected against sex discrimination including sexual harassment. Title IX prohibits sex discrimination in education programs and activities in federally funded schools at all levels. Title IX protects University Prep Schools students, employees, and applicants for admission and employment from all forms of sex discrimination, including sexual harassment, sexual violence, and discrimination and/or harassment based on pregnancy and sexual orientation.

PROHIBITED CONDUCT

Title IX protects all students male and female, including lesbian, gay, bisexual, and transgender (LGBT) students from sex discrimination. Sex discrimination can take many forms and can be perpetrated by students, staff members or employees, volunteers, vendors, contractors, or visitors to the school such as a parent or guardian. This Title IX Policy applies to acts or alleged acts of sex discrimination perpetrated by a student against another student, staff member or employee, volunteer, vendor, contractor, or visitor.

Sexual Harassment

Sexual harassment is unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature or based on a person's sex or sexual orientation. This also includes a request for sexual favors or other verbal or physical conduct of a sexual nature where such conduct has the purpose or effect of interfering with a student's educational performance by creating an intimidating, hostile or offensive educational environment.

Conduct is considered unwelcome if the person did not request or invite it and considered the conduct to be undesirable or offensive. A person's submission to the conduct or failure to complain does not mean that the conduct was welcome, invited, or consensual.

Sexual Violence

Sexual violence refers to physical sexual activity perpetrated against a person's will or where a person is incapable of giving consent (*e.g.*, due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent). Sexual violence includes, but is not limited to, conduct that is criminal in nature, such as rape, sexual assault, dating violence, and sexually motivated stalking.

Gender-Based Harassment

Gender-based harassment is unwelcome conduct based on a person's actual or perceived sex. It includes slurs, taunts, stereotypes, or name-calling, as well as gender-motivated physical threats, attacks, or other hateful conduct based on a person's sex or failure to conform to sex stereotypes.

POLICY VIOLATIONS

Students who violate the Title IX Policy are subject to discipline up to and including expulsion from school. Students may also be subject to criminal and/or civil prosecution.

RETALIATION

Individuals can make complaints under the Title IX Policy without fear of retaliation or reprisal. University Prep Schools will not tolerate retaliation or reprisal against any person who makes a complaint under this Policy or participates in an investigation into a complaint made under this Policy. Filing an intentionally false complaint may result in disciplinary action up to and including expulsion.

COMPLAINT PROCEDURE

Individuals may make complaints under the Title IX Policy with his or her School Director, School Counselor, or the Title IX Coordinator. The following staff member is designated as the Title IX Coordinator with respect to any Title IX complaint of unlawful sex discrimination including sexual harassment, sexual violence, or gender-based harassment:

NAME, TITLE

ADDRESS

PHONE

EMAIL

Individuals may contact the Title IX Coordinator to:

- File a complaint or make a report of sex discrimination;
- Seek information or training about rights and courses of action available to resolve reports or complaints that involve potential sex discrimination;
- Notify University Prep Schools of an incident or policy or procedure that may raise potential Title IX concerns;
- Get information about available resources including confidential resources and support services relating to sex discrimination, and
- Ask questions about University Prep Schools policies and procedures related to sex discrimination including its Title IX Policy.

In the absence of the Title IX Coordinator, or if the complaint involves the Title IX Coordinator, the individuals may contact:

NAME, TITLE

ADDRESS

PHONE

EMAIL

Students have the right to file a complaint of unlawful sex discrimination with the Office for Civil Rights, U.S. Department of Education. The complaint may be directed to:

U.S. Department of Education
1350 Euclid Avenue
Suite 325
Cleveland, OH 44115
Telephone: (216) 522-4970
Facsimile: (216) 522-2573
[Email: OCR.Cleveland@ed.gov](mailto:OCR.Cleveland@ed.gov)

RECEIPT OF COMPLAINT

Complaints may be received orally or in writing. The complaining party will be asked to provide a written statement of the complaint. If the complaining party is unable or unwilling to provide a written statement, the Title IX Coordinator or designee shall prepare a written summary of the oral statement and the complaining party will be asked to confirm its accuracy and sign the written statement. If the complaining party refuses to provide a written statement or refuses to participate in the investigation after making a complaint, University Prep Schools reserves the right to continue its investigation into the complaint and issue a determination based on the investigation.

REPORTING TIMEFRAMES

Although University Prep Schools does not limit the timeframe for reporting a complaint under the Title IX Policy, to promote a timely and efficient investigation, University Prep Schools strongly encourages individuals to report a concern or possible violation of this Policy as soon as possible.

INFORMAL RESOLUTION PROCESS

The complaining party and the respondent may voluntarily agree to participate in an informal resolution process that does not involve a full investigation and determination. Prior to the informal resolution process commencing, both parties will receive written notice of the charges and allegations and will be advised of their option to engage in a formal resolution process. If University Prep Schools determines that the complaint is appropriate for an informal resolution process, and both parties agree to an informal resolution process, University Prep Schools may facilitate an informal resolution, including mediation, to assist the parties in reaching a voluntary resolution.

FORMAL RESOLUTION PROCESS

INVESTIGATIONS

If the parties choose not to engage in the informal resolution process, or choose to stop the informal resolution process at any time, University Prep Schools will conduct a prompt and full investigation into any complaints made under the Title IX Policy. An investigation will afford both the complaining party and the respondent a full and fair opportunity be heard, submit documentation and evidence

supporting or rebutting the allegation(s), and identify witnesses. All parties involved in the investigation will be provided with a copy of the Title IX Policy and will be informed that they are protected from retaliation.

Investigations may be conducted by the Title IX Coordinator or another University Prep Schools employee. University Prep Schools reserves the right to obtain or consult with a third party investigator or resource at any time during the complaint, investigation, or determination process.

Prior to and during the investigation, the Title IX Coordinator or designee will meet with the complaining party and discuss remedial measures to impose during the investigation. These measures may be both remedial (designed to address a complaining party's safety and well-being and/or continued access to educational opportunities) or protective (involving action against a respondent). Remedial measures may be temporary or permanent and may include but are not limited to no contact orders, campus escort service, counseling and emotional support services, academic schedule modifications, academic accommodations, and a leave of absence. Depending on the circumstances, the respondent may be eligible for remedial measures.

NOTICE TO RESPONDENT

Prior to any interview with the respondent, the respondent will be informed in writing of the charges and allegations alleged to the extent required by law.

CONFIDENTIALITY

University Prep Schools will endeavor to maintain the confidentiality of all parties to the extent possible consistent with University Prep Schools' responsibility to investigate and resolve any violation of the Title IX Policy. All parties to a complaint, including the complaining party, respondent, and witnesses, will be advised that their identities and information disclosed may be disclosed during the course of the investigation and that confidentiality cannot be guaranteed.

All records obtained during the course of the investigation will be maintained as required by law.

EXPECTATIONS OF TRUTHFULNESS

During the course of an investigation, all parties, including the complaining party, respondent, and witnesses, are expected to provide truthful and forthcoming information.

ADVISORS

During the course of the investigation, all parties, including the complaining party, respondent, and witnesses, may have an advisor present. Advisors may not be attorneys, another witness, or any individual with a conflict of interest in the investigation unless approved by University Prep Schools. All parties will have equal access to an advisor. Advisors may not be disruptive or interfere with the investigation and University Prep Schools reserves the right to take appropriate measures to ensure an advisor does not disrupt or interfere with the investigation.

TIMEFRAME OF INVESTIGATION

Although certain investigations may require additional time, University Prep Schools will attempt to complete an investigation into allegations of violations of the Title IX Policy within 60 school days of receiving the complaint. University Prep Schools will keep the complaining party and the respondent reasonably informed of the timeframe of the investigation and any delays.

DETERMINATION

At the conclusion of the investigation, University Prep Schools will make a determination based on the preponderance of the evidence standard (*e.g.* more likely than not) as to whether a violation of the Title IX Policy can be substantiated.

Students shall be subject to and have the rights identified in the Code of Conduct Disciplinary Actions (Section VIII) including the right to school level hearings to the extent not inconsistent with the Title IX Policy.

If the investigation determines that a violation of the Title IX Policy cannot be substantiated, the following actions will be taken:

- i. The investigation will be closed.
- ii. The investigation findings, summary of investigation, and any remedial measures will be discussed with the complaining party and respondent both verbally and in writing.
- iii. The Title IX Policy will be distributed to all parties involved in the investigation.
- iv. All documentation regarding the complaint and the investigation will be maintained in a separate confidential file and/or student record or employee personnel file as required by law.

If the investigation determines that a violation of the Title IX Policy can be substantiated, the following actions will be taken:

- i. The investigation will be closed.
- ii. The Title IX Coordinator or designee will recommend to the School Director what corrective and/or remedial action is necessary to resolve the complaint and prevent recurrence of unlawful discrimination.
- iii. The investigation findings, summary of investigation, and any remedial measures and/or corrective action will be discussed with the complaining party and respondent both verbally and in writing.
- iv. Appropriate discipline will be imposed after considering the evidence, and the Page|28 totality of the circumstances, which includes the relationship, age, maturity, and

developmental level of the parties, as permitted by state and federal law, up to and including expulsion.

- v. All actions and disciplines will be documented and placed in the respondent's student record and/or personnel file.
- vi. The Title IX Policy will be distributed to all parties involved in the investigation.
- vii. All documentation regarding the complaint and the investigation will be maintained in a separate confidential file and/or student record or employee personnel file as required by law.

APPEAL RIGHTS

The complaining party and respondent shall have the right to appeal any determination by submitting a written appeal to the Central Management Office's CEO within three (3) school days of his or her receipt of the determination. The CEO or designee will inform the parent or student of the next steps in the appeal process. The decision of the CEO or designee following the appeal will be final.

TRAINING AND POLICY DISTRIBUTION

University Prep Schools shall publicize and distribute the Title IX Policy as follows:

- i. The Title IX Policy will be distributed to all schools, administrators, staff members, employees, and counselors on an annual basis.
- ii. The Title IX Policy will be incorporated in the Code of Conduct which will be distributed to students on an annual basis.
- iii. Further publication and distribution will occur at the discretion of University Prep Schools.

Training sessions on the Title IX Policy and the prevention of unlawful discrimination shall be held periodically for all administrators, staff members, and employees.

A. RESPONSIBILITIES RELATED TO ATTENDANCE

1. STUDENTS

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

2. PARENTS/GUARDIANS

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

3. SCHOOL STAFF MEMBERS

- Maintain accurate attendance records in an official attendance roll book
- Cooperate with colleagues, students and parents/guardians in developing and implementing programs designed to stimulate good attendance
- Inform students about attendance policy
- Notify parents/guardians when students exhibit an attendance problem and maintain a record of such notices
- Refer chronic attendance problems to the team for intervention
- Work in conjunction with other student support programs to provide students with intervention assistance
- Investigate the referral of chronic attendance problems, and when necessary, refer to the 36th District Court for prosecution

III. SCHOOL JURISDICTION

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

restaurant or store on the way home, and whether the student has returned to the custody of his/her parents.

IV. STUDENT RESPONSIBILITIES

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

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

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

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

V. STUDENT RIGHTS

A. THE FAIR ADMINISTRATION OF DISCIPLINE : The faculty and staff of University Prep Schools do not discriminate against, deny benefits to, or exclude participation of any person in its programs, activities or employment on the basis of race, gender, color, national origin, creed, religion, disability, or any other basis prohibited by law.

B. MAKE-UP WORK DURING DISCIPLINARY ACTIONS : Students removed from school/class as a result of short-term disciplinary actions are entitled to receive make-up work. Make-up work information will be provided to parents either at the time of suspension or after the student returned to school from a short term

suspension. However, parents must request the work through the person identified in the letter sent to parents with notification of the hearing. Parents are responsible for picking up the assignments and returning the completed work for grading. Assignments must be completed and returned before new assignments are issued. Parents must receive graded assignments as an indication that the assignment is completed.

A student will be given the opportunity to make up missed academic course work assignments during a removal from school. A student who remains out of school past the days of suspension WILL NOT be allowed to make up work beyond the actual suspension dates. All makeup work must be completed within three (3) days of the student's readmission to school. A student charged with an expulsion offense is entitled to make up work until a final decision is made.

C. THE RIGHTS TO FREEDOM OF EXPRESSION

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

2. STUDENT DRESS : Each U Prep School has a unique Uniform Policy, adopted to provide students with an educational environment that is conducive to the learning process. The policy was created to prevent distractions and health or safety hazards that disrupt classroom settings or decorum. Students will also wear school I.D.s at the middle school and high school.

Whether or not a student is dressed appropriately or properly groomed shall be left to the discretion of the School Director or his/her designee at the respective school. Administration reserves the right to make exceptions for students with special circumstances (such as, the need for specialized shoes). A student whose clothing or apparel violates the Uniform Policy will be removed from class for the day or until the violation is corrected.

3. FREEDOM FROM UNREASONABLE SEARCHES AND SEIZURES:

Students have rights, which have been established and guaranteed by the Fourth Amendment to the United States Constitution, protecting their right of privacy of

their person and freedom from the unreasonable search and seizure of property. A signed receipt of all items seized shall be provided to students.

The school may conduct reasonable searches and seizures as follows:

- **SEARCH OF LOCKERS, DESKS AND OTHER ASSIGNED SPACES -**
Property assigned to a student by the school remains the property of the school and under joint control of the school. In accordance with applicable law, lockers, desks and other spaces assigned to or used by a student are subject to search.

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

The School Director/designee is authorized to seize any items found during a search, which are illegal or which violate the code or regulations. Items seized, which are not illegal but violate this code or school rules, should be returned to the student's parents within ten (10) school days. Searches can include asking students to present illegal or prohibited articles, requesting a student to empty his/her pockets, and search of clothing or personal property.

Pat-down searches can be conducted, but must be limited to searches for illegal items. Whenever possible, pat-down searches should be conducted out of the presence of other students. Pat-down searches must be conducted by a person of the same gender as the student and in the presence of a second staff member.

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

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

4. STUDENT RIGHTS WHEN QUESTIONED BY THE POLICE

School Directors are authorized to permit police officers and identified representatives from the court to interview pupils on official business.

Students may be searched or arrested when such action is authorized by a warrant or otherwise permitted by law. When considered appropriate, such interviews shall be conducted in the presence of the School Director or a designee. The School Director or his/her designee shall inform parents of this questioning and, whenever possible, they may be present.

VI. MEDICATION POLICY

Purpose: To prevent interruption of a student's education by providing assistance with medication needed during school hours.

Procedure: The student's parent/guardian must provide the school with written permission, and the physician's instructions to administer any medication (prescription or nonprescription). Medication permission forms may be obtained from the school. Verbal instructions will not be honored.

Medications to be administered by school personnel should be transported to the school by the parent/guardian, rather than with the student. The parent must provide the school with a container of the medication with the pharmacy label attached. The label must include the child's name, dosage and specific instructions for administering the medicine. This requirement also pertains to refills. Students may carry and self-administer medicines during school if so stated in writing by the attending physician and written permission is submitted by the parent/guardian. This includes inhalers and other asthma medications.

STUDENTS REQUIRING THE USE OF MEDICAL DEVICES IN SCHOOL (Breathing machines, crutches, casts, slings, braces, wheelchairs): In a general education setting, the use of such devices should be of limited duration (as in the case of students recovering from trauma resulting in injury or severe, but temporary illness) or largely self-managed by the student.

Use of medical devices should not present a risk to other students or unduly interfere with the educational process in the school. Parents/guardians must present written permission and instructions from the physician. Instructions for storage, use, duration of use and assistance to be given by school personnel must be clearly delineated by the student's attending physician.

VII. POSITIVE BEHAVIORAL INTERVENTIONS AND SUPPORT/RESPONSIVE CLASSROOM

Mission Statement: To establish and facilitate a positive behavior change in our students, staff, and parents to increase instructional time through the development of effective, proactive, and education-oriented interventions that result in reductions in the number of undesired behaviors at University Prep Schools.

What is POSITIVE BEHAVIORAL INTERVENTIONS AND SUPPORT (PBIS)?

PBIS is a proactive approach in behavior management on a school-wide level, in a specific setting such as the halls, cafeteria/common spaces, bathrooms, and the classroom.

PBIS methods are research-based and have been proven to significantly reduce the occurrence of problem behaviors. One of the keys is to focus on prevention. It is based on the idea that when students are taught clearly defined behavioral expectations and provided with predictable responses to their behavior, both positive and corrective, 80-85% of students will meet these expectations. The 15-20% of the students not responding to universal interventions will receive additional support through group and individual interventions. Another key element is an analysis of discipline referral data. This team-based approach to data analysis allows the PBIS Team to identify problem areas, brainstorm interventions, acknowledge students exhibiting positive behavior, and communicate the findings to staff, students and parents.

The goals of PBIS are consistent with those found in other educational initiatives/laws, such as Education YES! and No Child Left Behind. The key components of an effective school-wide PBIS system involve:

- Clearly defining and teaching a set of behavioral expectations;
- Consistently acknowledging and rewarding appropriate behavior;
- Constructively addressing problematic behavior;
- Effectively using behavioral data to assess progress.

RESPONSIVE CLASSROOM

The *Responsive Classroom* approach is utilized at University Prep Elementary Schools. It is a way of teaching that emphasizes social, emotional, and academic growth in a strong and safe school community. Developed by classroom teachers, the approach consists of practical strategies for helping children build academic and social-emotional competencies day in and day out. (www.responsiveclassroom.org/principles-and-practices-responsive-classroom).

Guiding Principles:

- The social curriculum is as important as the academic curriculum.
- How children learn is as important as what they learn: Process and content go hand in hand.
- The greatest cognitive growth occurs through social interaction.
- To be successful academically and socially, children need a set of social skills: cooperation, assertion, responsibility, empathy, and self-control.
- Knowing the children we teach—individually, culturally, and developmentally—is as important as knowing the content we teach.
- Knowing the families of the children we teach and working with them as partners is essential to children's education.
- How the adults at school work together is as important as their individual competence: Lasting change begins with the adult community.

The *Responsive Classroom* is a general approach to teaching, rather than a program designed to address a specific school issue. It is based on the premise that children learn best when they have both academic and social-emotional skills.

VIII. BEHAVIORAL EXPECTATIONS AND UNACCEPTABLE CONDUCT

All University Prep students have the right to learn. In all regards, the best interest of the child should be a priority when disciplinary action is considered. Appropriate corrective discipline should be administered in accordance with the severity of the offense.

PROCEDURES AND PRESUMPTIONS BEFORE IMPOSITION OF DISCIPLINE; RESTORATIVE PRACTICES

A. In accordance with state law, and except as specifically provided in this policy, before a student may be suspended, expelled or permanently expelled, the district administrators making the disciplinary decision shall consider each of the following mitigating factors:

1. the student's age;
2. the student's disciplinary history;
3. whether the student is a student with a disability;
4. the seriousness of the violation or behavior committed by the student;
5. whether the violation or behavior committed by the student threatened the safety of any student or staff member;
6. whether restorative practices will be used to address the violation or behavior committed by the student; and
7. whether a lesser intervention would properly address the violation or behavior committed by the student.

The fact that consideration of these factors has occurred shall be documented in the record of the disciplinary decision. The CEO shall develop an appropriate checklist to be used to document consideration of these factors.

- B. Except as provided in subsection (C), below, the District has discretion over whether to suspend, expel or permanently expel a pupil. In exercising this discretion, there is a rebuttable presumption that a suspension, expulsion or permanent expulsion is not justified unless administration can demonstrate that it considered each of the factors listed in subsection (A), above.
- C. The obligation to consider the factors listed in subsection (A), above, and the presumption identified in subsection (B), above, shall not apply to a student being permanently expelled under state law for possessing a firearm in a weapon-free school zone.
- D. The District shall consider using restorative practices as an alternative or in addition to suspension or expulsion of a student. If the District suspends or expels a student, the District shall consider using restorative practices in addition to suspension or expulsion. The obligation to consider restorative practices shall not apply to a mandatory expulsion for possession of a firearm in a weapon-free school zone.

- E. “Restorative practices” means practices that emphasize repairing the harm to the victim and the school community caused by a student’s misconduct. Restorative practices shall be considered as an alternative or in addition to suspension or expulsion of a student.

Unacceptable conduct is divided into (3) categories of offenses which may result in disciplinary action under this Code. **The following list of unacceptable behavior is meant to be instructive and not all-inclusive.** A student who commits an act of misconduct that is not listed is also subject to disciplinary action. All illegal activities will be reported to proper authorities, as required by law.

A. CATEGORY 1 OFFENSES – PROHIBITED BEHAVIORS

INSUBORDINATION (level 1) - Refusing to comply with directions or instructions given by school authorities. For example: 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 area, or running away from school staff when told to stop also constitute insubordination.

REFUSAL TO IDENTIFY SELF - Refusing to show or wear an identification card and/or give your correct name when requested by school personnel, or using another person’s name or identity.

STUDENT DEMONSTRATIONS - Any form of protest or demonstration that disrupts the normal educational process or that is conducted in a manner that violates legal restraints.

TRUANCY - Failure to report to the school’s assigned class or activity without prior permission, knowledge or excuse by the school or parent/guardian.

USE OF ELECTRONIC COMMUNICATION DEVICES - The use of cell phones or electronic communication devices such as iPods, iPads, headphones, MP3 Players and other similar devices is strictly prohibited on school property, including gymnasium, halls, cafeteria, classrooms, and buses on school trips until after dismissal for the day. Confiscated cell phones, personal communication devices or other electronic devices will be returned to the parent/guardian. It is the responsibility of the parent/guardian to make arrangements with the School Director/designee to immediately retrieve the item within ten (10) school days.

Cell phones may not be carried on the student’s person during normal school hours unless they are switched off. Violations will result in confiscation of the device. Students’ cell phones or electronic devices may be stored in a pocket, locker, or backpack in a turned off position.

The school does NOT investigate or accept responsibility for lost or stolen phones or personal electronic devices.

UNAUTHORIZED USE OF SCHOOL MATERIALS/EQUIPMENT : Students may only use school equipment or materials after obtaining prior approval of an administrator or teachers. Materials/equipment borrowed from the school must be returned to the school.

CHEATING/ACADEMIC MISCONDUCT : A student will not plagiarize, cheat, gain unauthorized access to, or tamper with educational materials.

Academic Honesty Honor Code:

Students are expected to adhere to the Academic Honesty Honor Code. Plagiarism will not be tolerated at University Prep Schools. Plagiarism is simply the use of others' words and/or ideas without clearly acknowledging their source. Students learn about other people's ideas in course texts, instructors' lectures, in-class discussions, and when doing their own research. When a student incorporates those words and ideas into their own work, it is of the utmost importance that they give credit where it is due. Plagiarism, intentional or unintentional, is considered academic dishonesty and all instances will be reported to the School Director/designee. Plagiarism could result in loss of credit for the entire course.

To avoid plagiarism, students must give the original author credit whenever they use another person's ideas, opinions, drawings, or theories, as well as any facts or any other pieces of information that are not common knowledge. Additionally, quotations of another person's actual spoken or written words or a close paraphrasing of another person's spoken or written words must also be referenced. Accurately citing all sources and putting direct quotations – of even a few key words – in quotation marks are required.

DISORDERLY CONDUCT is defined as behaving in a manner that causes disruption or obstruction of the educational process. Disruption caused by talking, making noises, throwing objects or otherwise distracting others constitutes disorderly conduct. A behavior is considered disorderly if a teacher/staff member is prevented from starting an activity or lesson, or has to stop instruction/activity to address the disruption.

INAPPROPRIATE DISPLAYS OF AFFECTION: Engaging in inappropriate displays of affection, such as kissing or long embraces of a personal nature.

INAPPROPRIATE USE OF TECHNOLOGY: Inappropriate use of technology includes, but is not limited to, the following:

- Taking pictures or making videos within or around the campus, or in any school-sponsored activities, without permission

- Posting pictures or videos using any UPrep Schools' logo, building, staff, assets, etc. on Facebook, Twitter, etc. without permission
- Engaging in the planning, provoking, maintaining, etc. of conflicts (physical or otherwise) with individuals from other schools

NOTE: The School Director/designee will determine, based upon severity and frequency of the offense, if the case will be dealt with as a **Category 2** or **Category 3** offense.

LEAVING SCHOOL WITHOUT PERMISSION : Leaving the school building, classroom, cafeteria, assigned area, or campus without permission from authorized school personnel.

TRESPASSING : Entering off limits areas without authorization from authorized school personnel.

If removed, suspended, or expelled from school, a student will not return to the school premises without permission of the proper school authorities.

DISCIPLINARY ACTION FOR A CATEGORY 1 OFFENSE MAY RESULT IN ONE OR MORE OF THE FOLLOWING:

1. Conference with parent and/or student;
2. Detention;
3. Short-Term Suspension;
4. Community Service;
5. Restitution;
6. Restorative Justice Practices;
7. Other consequences, determined by School Director/designee

Student with repeated Category 1 violations are subject to additional and more severe disciplinary actions.

B. CATEGORY 2 OFFENSES – PROHIBITED/ILLEGAL BEHAVIORS

INSUBORDINATION (level 2): Grossly or egregiously refusing to comply with directions given by an adult staff member, including but not limited to administrators, teachers and other staff.

THREATS OF VIOLENCE/COERCION: Using words or taking actions that may threaten to do injury to another person or that intimidate another person through fear for his/her safety (no actual physical contact is necessary).

FIGHTING: A physical confrontation between one or more students that does not cause serious injury.

POSSESSION OF OTHER DANGEROUS OBJECTS: Possession of dangerous objects such as, but not limited to, explosives, firecrackers, clubs, mace, pepper spray and other irritant sprays. Possession is defined as carrying the item or storing the item in a space used by, or assigned to a student, such as a locker or a desk, or having the item under one's control, such as hiding a weapon in the building or on school grounds, or voluntarily permitting another person to store the item in an assigned school space without reporting it to the School Director/a school administrator.

USE OR POSSESSION OF ILLEGAL OR CONTROLLED SUBSTANCES OR MATERIALS: Possessing, using or being under the influence of illegal or controlled substances such as: tobacco, alcohol, narcotics, drugs (prohibited by law), over the counter medicines and prescription medications not prescribed for use by the student in possession of them.

BURGLARY, THEFT, ROBBERY, LARCENY, OR BREAKING AND ENTERING: Taking money or property belonging to others without permission. This offense applies when the losses or damages are valued at less than \$100.00.

LOITERING OR TRESPASSING: Being present in the school or on the grounds of the school without the permission of the administration.

EXTORTION, COERCION OR BLACKMAIL: Obtaining money or property (something of value) from an unwilling person, or forcing an individual to act by either physical force or intimidation (bullying/threat).

DEFAACEMENT OF PROPERTY: Willingly causing defacement of, or damage to, property belonging to the school or belonging to school personnel or persons in attendance at the school. 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.

INTERFERENCE WITH OR INTIMIDATION OF SCHOOL PERSONNEL: Preventing or attempting to prevent school personnel from engaging in their lawful duties through threats of violence or harassment.

INTERFERENCE WITH THE MOVEMENT OF PUPILS : Preventing or delaying pupils from entering or leaving schools at scheduled hours, or causing fear or jeopardy to students while walking to and from school.

HARASSMENT:

- **Non-Sexual Harassment:** Any gesture or written, verbal, or physical act based on a student's race, sex, pregnancy, color, creed, national origin, religion, familial status, weight, height, marital status, disability, or any other protected characteristic 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. **Gender-based harassment:** Unwelcome conduct based on a student's actual or perceived sex. It includes slurs, taunts, stereotypes, or name-calling, as well as gender-motivated physical threats, attacks, or other hateful conduct. Gender-based harassment includes words, pictures, objects, gestures, or other actions relating to a student's actual or perceived sex that cause embarrassment, discomfort, or a reluctance to participate in school activities.
- **Sexual Harassment:** Any unwelcomed sexual advances, requests for favors and other verbal or physical conduct of a sexual nature when the harassment substantially interferes with the student's education, creates an intimidating, hostile or offensive educational environment, or otherwise adversely affects a student's educational opportunities.

GAMBLING: Participation in games of chance or skill for money or profit.

ADMITTANCE OF UNAUTHORIZED INDIVIDUALS INTO SCHOOL BUILDINGS: Knowingly and intentionally allowing an unauthorized person(s) into the school building, without expressed permission from any authorized person, through any unopened door or unmonitored point of entry in a manner that breaches any method of established security.

VERBAL ABUSE: Name-calling, racial or ethnic slurs or derogatory statements directed at, and offensive to, another person.

BULLYING/HARASSMENT/INTIMIDATION: Placing another student in reasonable fear of harm through the use of threatening words, instigation, and/or other conduct, including cyber bullying, but without displaying a weapon or subjecting the victim to actual physical attack.

See Appendix for University Prep Schools' Bullying Policy, Bullying Reporting Forms (Complaint, Anonymous, Witness), and the Bullying Investigation Flowchart. The investigation is initiated as soon as a Reporting Form has been submitted to a school administrator.

FORGERY/GIVING FALSE INFORMATION: Intentionally misrepresent information to school personnel, such as giving false information or signing another person's name to a document.

ABUSE OF TECHNOLOGY: Tampering with computer hardware or software, including loading unauthorized software; making unauthorized copies of software; tampering with the hard drive; infection of computers with viruses; unauthorized internet access and computer network "hacking;" making/uploading unauthorized videos involving school staff, students, or property; and any other unauthorized use of technology.

HAZING: Any activity endangering the physical safety of a student, or causing physical or mental distress, embarrassment, humiliation or ridicule, regardless of whether the hazing is done with or without the consent of the person(s) being hazed.

OTHER ILLEGAL MISCONDUCT: Any school-related conduct that constitutes an offense under city, state or federal laws.

DISCIPLINARY ACTION FOR A CATEGORY 2 OFFENSE MAY RESULT IN ONE OR MORE OF THE FOLLOWING:

- 1. Short-Term Suspension;**
- 2. Long-Term Suspension (Grades 9-12);**
- 3. Probationary Agreement;**
- 4. Permanent Removal from School;**
- 5. Restitution;**
- 6. Restorative Justice Practices;**
- 6. Other consequences, as determined by School Director/designee**

Students with repeated Category 2 violations or a combination of Category 1 and 2 offenses are subject to more severe consequences that may include permanent removal (expulsion) from school.

C. CATEGORY 3 OFFENSES - PROHIBITED/ILLEGAL/VIOLENT BEHAVIORS

Permanent Expulsions - The district, or the district's designee, may be required to permanently expel a pupil from the district for weapons, arson, criminal sexual conduct or physical assault to an employee, volunteer, or a person contracted by the school district. In the case of possession of a firearm where permanent expulsion is mandatory.

POSSESSION OF A FIREARM (MRSC - refers to 18 USC §921): The term firearm is defined as:

- any weapon (including a starter gun) which will or is designed 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.

POSSESSION OF A FIREARM: This provision includes, but is not limited to, handguns, rifles, shotguns, zip guns and starter pistols. The 7 mitigating factors that must be considered prior to an expulsion do NOT apply to possession of a firearm. The permanent expulsion of a student in violation of possessing a firearm is mandatory.

DANGEROUS WEAPONS: Dangerous weapons are defined as 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.

POSSESSION OF A KNIFE: Knives are defined to include any knife regardless of blade length or total size, straight razor, box cutter with razor or any instrument which has been altered to be used as a weapon in a manner similar to a knife, such as a letter opener or file.

POSSESSION OF OTHER DANGEROUS WEAPONS: Possession of a weapon, other than guns or knives, which have the capacity to cause serious injury or death.

USE OF A WEAPON OR AN OBJECT AS A WEAPON: Possession or use of a weapon or object that could be used as a weapon.

Use is defined to include:

- Using a weapon or dangerous object in a physical altercation with staff or other students;
- Having a weapon in one's possession during a physical altercation;
- Threatening a person with a weapon or dangerous object;
- Using a weapon or dangerous object while committing robbery;
- Extorting or coercing through threat, or actual use of a weapon or dangerous object;
- Discharging of a firearm.

PHYSICAL ASSAULT OF AN EMPLOYEE, VOLUNTEER OR CONTRACTOR: Intentionally causing or attempting to cause or contribute to the physical harm of an employee, volunteer, or contractor through force or violence

DESTRUCTION OF PROPERTY: Committing acts that result in a substantial threat of, or actual destruction of, property which necessitates significantly altering a school's operation and activities.

Specifically included are acts which result in:

- Significant damage to the physical plant or property
- Conditions that require the evacuation of students
- The inability of a school to perform its functions

THEFT OR RECEIPT OF STOLEN PROPERTY: Taking without permission by owner or custodian, or have in his or her possession, property valued at \$100.00 or more which does not belong to the student

ARSON: Willfully and maliciously burning or attempting to burn any part of property that belongs to, or under contract to, the school district, or property of persons employed by the district or on school property; also, the use of fire bombs, or incendiary devices

SALE/DISTRIBUTION OF CONTROLLED SUBSTANCES, PRESCRIPTION DRUGS OR ILLEGAL MATERIALS: The actual sale or distribution of any illegal or controlled substance or a substance represented to another person as illegal or controlled

Students will be charged under this violation if they are in possession of a substantial quantity of an illegal or controlled substance that is packaged for sale.

PHYSICAL ASSAULT OF ANOTHER STUDENT: Intentionally causing or attempting to cause physical harm to a student through force or violence

PARTICIPATING IN GANG-LIKE ACTIVITY: Participating in gang-like activity or group violence is also punishable under this provision. This also includes, but is not limited to, inviting others to the school to intimidate and/or fight members of the school community. Gang activity will not be tolerated in school, on school grounds, or during school related functions.

Gang-like activity is typically identified by law enforcement as an ongoing organization, association or group of three or more individuals who:

- Use a common identifying name, sign or symbol
- Have a high rate of interaction among themselves to the exclusion of others
- Are frequently involved in antisocial, delinquent or criminal activity

SEX DISCRIMINATION: Any violation of the Title IX Policy including but not limited to sex discrimination, sexual harassment, sexual violence, or gender-based harassment.

SEXUAL VIOLENCE: Sexual violence refers to physical sexual activity perpetrated against a person's will or where a person is incapable of giving consent (*e.g.*, due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent). Sexual violence includes, but is not limited to, conduct that is criminal in nature, such as rape, sexual assault, dating violence, and sexually motivated stalking.

Definitions: University Prep Schools use the following definitions in this policy:

- Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making someone touch another person with, or on, any of these body parts; any other intentional bodily contact in a sexual manner, or the clothing covering those areas.
- Intercourse (anal, oral, or vaginal), however slight, with any object.

Criminal sexual conduct means sexual penetration or touching a person's intimate parts. It can be criminal in nature whether with or without consent, and it will be reported to authorities for possible legal action, in addition to school consequences. It is criminal without consent when there is any sexual penetration or touching of a person's intimate parts. It is criminal, whether or not there is consent, when there is (1) any sexual perpetrator involving a person under age 16; (2) any sexual touching involving a person under age 13; or (3) any sexual touching of a person 13, 14 or 15 years old if the perpetrator is 5 or more years older than the victim. School staff must report all such incidents to the School Director or designee.

CONSENSUAL SEXUAL CONDUCT: Consensual acts or displaying affection which includes, but is not limited to: sexual intercourse, oral sex or intentional touching of the other person's genitals, groin, inner thigh, buttock or breast or the clothing covering those areas.

FORGERY/FRAUD: Signing the name of another person for the purpose of defrauding school personnel; deceiving another or cause another to be deceived by false or misleading information in order to obtain anything of value.

TERRORISTIC ACTIVITY: Communicating terroristic threats or commit terroristic acts directed at any student, employee, volunteer, contractor, physical plant or property.

FALSE ALARM: Activating a fire alarm system in any school building on school property and/or reporting a fire or bomb when none exists.

OTHER ILLEGAL CONDUCT: Committing other acts, not specifically listed, which endanger the students or staff.

DISCIPLINARY ACTIONS FOR A CATEGORY 3 OFFENSE MAY RESULT IN ONE OR MORE OF THE FOLLOWING:

- 1. Permanent expulsion from all public schools in this state;**
- 2. Expulsion for up to 180 school days from all public schools in this state;**
- 3. Suspension from school;**
- 4. Restorative Justice Practices;**
- 4. Other consequences, as determined by School Director/designee**

Student may be subject to criminal prosecution at the request of the Detroit Police Department of Public Safety.

Students who have committed a Level 3 offense may be suspended and recommended by the school for Expulsion Review. Michigan Law (MCL 380.1311) requires the permanent expulsion of a student, subject to possible future reinstatement, for certain acts.

VIII. DISCIPLINARY ACTIONS

School administrators have the authority to determine consequences case by case, based on the specific circumstances.

A. TEACHER DISCIPLINARY ACTIONS

Teachers have the authority to utilize various behavior management techniques to encourage positive student behavior within the classroom. The assistance of the parent or legal guardian, other educational support services and/or other community agencies may be utilized.

B. ADMINISTRATIVE DISCIPLINARY ACTIONS

When disciplinary action is appropriate, it shall, at all times:

- Depend upon the substantiation of the charges
- Involve a reasonable and logical relationship between the seriousness of the act and the severity of the discipline
- Be constructive in intent
- Take into account such factors as age, stature, and intent of the student and his/her past records
- Take into account the use of positive support strategies and the use of the school's resources

DEFINITIONS

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

For a short-term suspension, a student may be suspended for one to five school days. Short-Term suspensions should only be applied after the considerations of all other alternatives available to correct the student's behavior have been exhausted.

Before a suspended student may be returned to school, he/she will be required to attend a readmission conference with the parents/guardian to discuss the behavioral problem(s). In the event that the administrator is unable to arrange the conference by the date set for readmission, the School Director may, at the request of the parent, authorize an alternative method of achieving the conference or may waive the requirement of the conference.

2. **LONG-TERM SUSPENSION** : The temporary removal of students from the school for more than five (5) school days and up to twenty (20) school days
3. **EXPULSION**: The removal from the school in which the student attends, following (a) violation(s) of the Code of Conduct

C. THE RIGHT TO DUE PROCESS IN DISCIPLINARY PROCEEDINGS

Due process safeguards must apply in all instances where the behavior or rights of students are being evaluated. The student has the right to be fully informed about the alleged breach of behavior, and must be provided with an opportunity to respond to such charges. Any permanent record that results from the student's actions or their consequences should clearly state whether the charges of misbehavior were or were not substantiated. Unsubstantiated charges must be expunged. Required due process procedures vary depending on the nature of the misconduct and the seriousness of the disciplinary action that may be imposed on a student as a result of the hearing. Thus, separate sets of procedures apply, depending on whether a student faces possible Short-Term or Long-Term Suspension or Expulsion.

D. DISCIPLINARY PROCEDURES/SCHOOL LEVEL HEARINGS

To ensure the student receives fair treatment consistent with the fundamental requirement of due process, Short-Term or Long-Term Suspensions, or recommendations for Expulsions must be made in accordance with the following procedures:

1. INVESTIGATION – SCHOOL LEVEL

Before it is determined that a student should be disciplined, an investigation must be conducted. The investigation will be conducted by the School Director or administrative designee. This official will inform the student orally or in writing of the

charges against him/her including the basis (evidence) for such charges. It is preferable that a written statement be given to the student. However, a verbal statement is acceptable. Following the investigation, if the charges are substantiated, the parent will be notified by telephone. A suspension letter will be sent home with the student OR by mail within one (1) school day stating that the student is being removed from school and the reason(s) for the removal. The letter will include the time and place for parents to attend a hearing.

2. DISCIPLINARY ACTION HEARINGS

For Long-Term Suspensions and Expulsions, the school level hearing shall serve as a disciplinary action hearing. The hearing shall be held within two(2) school days following removal to determine whether the student engaged in the unacceptable behavior or not. If unacceptable behavior is substantiated, the School Director/administrative designee will determine what discipline should be rendered. The parent/guardian (or authorized designee) and student are expected to attend all disciplinary hearings. The School Director/designee must hold a hearing even though a parent/guardian is unable to, or chooses not to attend. The School Director must document attempts to reach the parent/guardian.

The staff person(s) making the charge of misbehavior shall make all attempts to be present at the hearing, as requested by the School Director. While parents do not have the right to confront student witnesses, they may request their questions be asked of school representatives or witnesses. If the School Director or designee is the target of the alleged behavior, another administrator will conduct the hearing; advise the student of the charges; and make the disciplinary decision. At the hearing, the student and the parents must first be fully informed about the alleged breach in behavior and then be afforded the opportunity to present their side of the case. Within five 24 hours (unless there are extenuating circumstances that warrant further investigation) of the formal hearing, the School Director or designee will forward communication to the student's parents by first class mail and phone, when possible, advising them of:

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

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

3. APPEALS FOR LONG-TERM SUSPENSIONS FOR LEVEL 1 & 2 OFFENSES

Parents have the right to appeal the decision of a Long-Term Suspension to the Central Management Office's CEO. Parents must inform the CEO in writing within three (3) school days that they wish to appeal the School Director's decision. The request may be initiated by a telephone call to the CEO's office, followed by a written request. The CEO or designee will inform the parent of the next steps in the process.

5. LAST CHANCE AGREEMENT

When deemed appropriate by the School Director or her designee, a student will be placed on probation. At that time, a written agreement will be drafted that outlines what the school's expectations are as they relate to the student's behavior in the future. The agreement will go into effect when signed by both the student and the parent/guardian. Probationary agreements will be in effect for the remainder of the current school year. Students who violate the terms of the agreement will face further disciplinary actions that could include permanent removal from school.

IX. DISCIPLINE OF STUDENTS WITH DISABILITIES

The standards of conduct contained within this Student Code of Conduct apply to all students, including those students enrolled in special education, Section 504, those suspected of having a disability, or students suspected of having a disability. However, due to the unique needs of students with disabilities, appropriate disciplinary action and implementation of the Student Code of Conduct will vary in accordance with local, state and federal laws.

DEFINITIONS

IDEA OR SECTION 504 STUDENTS STUDENT WITH A DISABILITY (IDEA) DEFINED

"Student with a Disability" means an individual enrolled in school who is under twenty-six (26) years of age and who is determined by an Individualized Education Program Team (IEPT) to have a characteristic or set of characteristics that necessitates special education or ancillary and other services, or both.

Determination of impairment shall not be based solely on behaviors relating to environmental, cultural or economic differences. These individuals are commonly referred to by local, state, federal and education agencies as students who are included in the Individuals with Disabilities Education Act.

SECTION 504 STUDENT DEFINED

“Section 504 Student” refers to a student who has a physical or mental impairment, which substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment. Major activities include, but are not limited to, functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning or working. The student would have a 504 Evaluation, and a Service Plan would be developed by a 504 team. All IDEA students are protected from discrimination under Section 504. However, all Section 504 students are not eligible for programs/services under IDEA. Implementation of Section 504 is not the responsibility of Special Education.

Whenever an administrator is considering disciplinary action involving removal of a special education student or a student with a 504 Plan, the student’s records shall be reviewed to determine the total number of days during the current school year that the student has missed due to disciplinary action.

Once the number of days a student has been out of school due to disciplinary action has been determined, the following procedures must be followed:

Under federal laws, an IDEA/504 student facing disciplinary removal from school, whose current recommended disciplinary removal from school is in excess of ten (10) consecutive school days, or will result in excess of ten (10) cumulative days constituting a pattern characterized by similarities in the student behavior that caused the removals and the length, frequency and proximity of the removals in relation to each other, must have an IEP/504 meeting that determines whether or not the behavior is a manifestation of the student’s disability.

- This meeting must take place within ten (10) school days of the decision to remove the student from school.
- In cases where the offense involves the current use and/or possession of drugs/alcohol, the Section 504 meeting is not necessary and the student may be disciplined in the same manner as non-disabled students.
- If the IEP/504 team determines that the behavior is a manifestation of the student’s disability, the student is not subject to further disciplinary action and must return to his/her original placement unless the parent agrees otherwise through the IEP/504 process.
- Regardless of the manifestation determination outcome, in cases where the offense involves the student carrying a weapon to or possessing a weapon at school or at a school function, knowingly possessing or using illegal drugs, selling or soliciting the sale of a controlled substance while at school or a school function, or inflicting serious bodily injury upon another person, school personnel may remove

the student to an interim alternative educational setting for not more than forty-five (45) school days.

- In the event that the administration believes reinstating the student to his/her current placement is substantially likely to result in injury to the student or others, it can appeal via an expedited due process hearing, for placement in an interim alternative educational setting for not more than forty-five (45) school days.
- Likewise, the parent can request an expedited due process hearing to appeal manifestation determinations or decisions regarding the student's placement during the disciplinary removal.
- During such an appeal, the student's placement would remain in the disciplinary removal setting pending the decision.

A. STUDENTS SUSPECTED OF A DISABILITY (THE DISTRICT HAS THE KNOWLEDGE THAT A STUDENT IS SUSPECTED OF BEING DISABLED)

Students suspected of a disability are those who prior to the behavior subject to disciplinary action meet one or more of the following situations:

1. The parent(s) have expressed specific concerns in writing to supervisory or administrative personnel of the University Prep Schools, or a teacher of the student, that the student is in need of special education and related services.
2. The parent(s) have formally requested/consented to a special education evaluation.
3. The student's teacher, or other school personnel, expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the appropriate supervisor or director of special education for UPrep Schools.
4. University Prep Schools shall not be deemed to have knowledge that the student is a student with a disability if the parent of the student has previously refused to consent to an evaluation of the student, or has refused special education and related services, or the student was found ineligible for special education.

B. SHORT-TERM SUSPENSION/LONG-TERM SUSPENSION/ /EXPULSION OF STUDENTS SUSPECTED OF BEING IDEA OR 504 ELIGIBLE

When considering the Short-Term/Long-Term Suspension, or Expulsion of a general education student, if there is reasonable cause to believe that the student is eligible under IDEA or Section 504 or is suspected of being disabled, the student has the right to assert any of the disciplinary protections available to students with disabilities.

C. GUIDELINES REGARDING STUDENTS WITH HERETOFORE UNDETECTED DISABILITIES

1. If school officials do not have knowledge that a student has a disability prior to taking disciplinary measures against the student, the student may be subjected to disciplinary measures applied to students without disabilities who engaged in comparable behaviors.
2. If a request is made for an evaluation of a student during the time period in which the student is subjected to disciplinary measures, the student remains in the disciplinary removal setting and the evaluation shall be conducted in an expedited manner.
3. If the student is found to be a student with a disability, the school shall provide special education and related services as appropriate, and pending the results of the evaluation, the student shall remain in the educational placement determined by school authorities.

X. RECORDS

When a student is not eligible to attend his/her assigned school because of a Short-Term Suspension or Long-Term Suspension, the School Director or designee will complete a suspension report/referral. The same process will be followed when corrective action requires contact with parents, even though the student may continue in regular attendance. The school shall maintain a file on all appeals, Long-Term Suspensions, and Expulsion Reviews resulting in corrective action.

XI. RIGHTS OF STUDENTS AND PARENTS IN DISCIPLINARY PROCESSES

1. A student will be given the opportunity to receive make-up for missed assignments that occurred as a result of a Short/Long Term Suspension.
2. A student charged with an expulsion offense is entitled to make-up work until a decision is reached by the CEO.
3. Students may be given permission to take examinations such as final tests or standardized tests when an incident occurs that requires disciplinary action, while the case is pending. Parents must contact the School Director or designee to make arrangements for testing.
4. School officials will inform the student and parent orally or in writing of the charges against him/her, including the basis (evidence) for such charges.
5. When a student is suspended, a disciplinary hearing will be held at the school.
6. If the parent/guardian cancels the appointment, the School Director may reschedule the hearing date one time.

7. While parents do not have the right to confront witnesses, they may request for school officials to present questions, on their behalf, to the witnesses present at the hearing.
9. At the hearing, the student and the parents are to be fully informed concerning the alleged breach in behavior. After this, the student must be afforded the opportunity to present his/her side.
10. If the charges are substantiated at the school level hearing, the parent has the right to appeal the charges to the PSAD Board by notifying the CEO in writing of such an intention within 3 days of the hearing.
11. A parent or student may not appeal a decision of the School Director to suspend a student pending an expulsion review.
12. If a student with a disability is suspended for 10 consecutive days or exhibits a pattern (see definition on page) beyond a total of 10 days, the school determines whether the behavior is a manifestation of the student's disability.
13. The school must expunge any student's unsubstantiated charge placed on the school's database.
14. If a student believes any rights set forth in the student code have been violated, the student, and/or parent or guardian, should make a written report to school administration and/or CEO.

University Prep Schools do not discriminate in course offerings to any student on the basis of race, sex, color, creed, national origin, religion, marital status or handicap, as required by Titles VI and VII of the Civil Rights Act of 1964 as amended and Title IX of the Education Amendments of 1972 and Section 504 of the Rehabilitation Act of 1973.

XII. POLICY FOR THE USE OF SECLUSION AND RESTRAINT

Pursuant to Section 1307a of the Michigan Revised School Code, MCL 380.1307a, 2016, the University Prep Schools shall adopt and implement a local policy that is consistent with the policy issued by the Michigan Department of Education in connection with the requirements of Public Act 394 regarding restrictions on the use of seclusion and restraint in public schools. This policy is to accomplish the following objectives:

- Promote the care, safety, welfare and security of the school community and the dignity of each pupil.
- Encourage the use of proactive, effective, evidenced and researched-based strategies and best practices to reduce the occurrence of challenging behaviors, eliminate the use of seclusion and restraint, and increase meaningful instructional time for all pupils.

- Ensure that seclusion and physical restraint are used only as a last resort in an emergency situation and are subject to diligent assessment, monitoring, documentation and reporting by trained personnel.
- The key terms used in this policy, including but not limited to, “seclusion,” “restraint,” “emergency seclusion,” and “emergency physical restraint” are the same definitions used in Section 1307h of the Michigan Revised School Code, MCL 380.1307h. The term “department” refers to the Michigan Department of Education.

Consistent with Public Act 394 and the policy issued by the Michigan Department of Education, the Superintendent and/or his/her designee is directed to develop administrative regulations to implement the requirements of Public Act 394 in regard to the use of seclusion and restraint, including identification of prohibited practices, permissible use of emergency seclusion and physical restraint; procedures for documenting and reporting the use of emergency seclusion and/or restraint; procedures for the development and implementation of emergency intervention plans for students who pose a substantial risk of creating an emergency situation that could result in the use of emergency seclusion or emergency physical restraint; requirements for data collection in connection with the use of any seclusion and/or restraint, and the implementation of a comprehensive training framework for school personnel who have regular contact with pupils and for key identified personnel who are generally available for an emergency situation.

ADMINISTRATIVE GUIDELINES FOR THE USE OF SECLUSION AND RESTRAINT

Pursuant to Public Act 394, MCL 380.1307a *et seq.* , the following administrative guidelines are issued to implement the requirements of Public Act 394 regarding the use of seclusion and physical restraint in the University Prep Schools and school operations.

I. *Prohibited Practices*

The following practices are prohibited for school personnel in University Prep Schools under all circumstances, including emergency situations.

- (a) Corporal punishment, as defined in section 1312.
- (b) The deprivation of basic needs.
- (c) Child abuse.

- (d) Seclusion, other than emergency seclusion.
- (e) The intentional application of any noxious substance or stimulus that results in physical pain or extreme discomfort. A noxious substance or stimulus is prohibited whether it is generally acknowledged or is specific to the pupil.
- (f) Mechanical restraint.
- (g) Chemical restraint.
- (h) Any restraint that negatively impacts breathing.
- (i) Prone restraint.
- (j) Physical restraint, other than emergency physical restraint.
- (k) Any other type of restraint.

II. *Use of Emergency Seclusion and Emergency Physical Restraint*

The following are requirements for using emergency seclusion and emergency physical restraint:

- (a) Emergency seclusion and emergency physical restraint may be used only under emergency situations and only if essential to providing for the safety of the pupil or safety of another.
- (b) Emergency seclusion and emergency physical restraint may not be used in place of appropriate less restrictive interventions.
- (c) Emergency seclusion and emergency physical restraint shall be performed in a manner that, based on research and evidence, is safe, appropriate, and proportionate to and sensitive to the pupil's severity of behavior, chronological and developmental age, physical size, gender, physical condition, medical condition, psychiatric condition, and personal history, including any history of physical or sexual abuse or other trauma.
- (d) School personnel shall call key identified personnel for help from within the school building either immediately at the onset of an emergency situation or, if it is reasonable under the particular circumstances for school personnel to believe that diverting their attention to calling for help would increase the risk to the safety of the pupil or to the safety of others, as soon as possible once the circumstances no longer support such a belief.
- (e) The District must ensure that substitute teachers are informed of and understand the procedures regarding use of emergency seclusion and emergency physical restraint. This requirement may be satisfied using online training and an online acknowledgment of

understanding developed or approved by the department and completed by the substitute teacher.

(f) Emergency seclusion should not be used any longer than necessary, based on research and evidence, to allow a pupil to regain control of his or her behavior to the point that the emergency situation necessitating the use of emergency seclusion is ended and generally no longer than 15 minutes for an elementary school pupil or 20 minutes for a middle school or high school pupil. If an emergency seclusion lasts longer than 15 minutes for an elementary school pupil or 20 minutes for a middle school or high school pupil, all of the following are required:

- (i) Additional support, which may include a change of staff, or introducing a nurse, specialist, or additional key identified personnel.**
- (ii) Documentation to explain the extension beyond the time limit.**

(g) Emergency physical restraint should not be used any longer than necessary, based on research and evidence, to allow a pupil to regain control of his or her behavior to the point that the emergency situation necessitating the use of emergency physical restraint is ended and generally no longer than 10 minutes. If an emergency physical restraint lasts longer than 10 minutes, all of the following are required:

- (i) Additional support, which may include a change of staff, or introducing a nurse, specialist, or additional key identified personnel.**
- (ii) Documentation to explain the extension beyond the time limit.**

(h) While using emergency seclusion or emergency physical restraint, school personnel must do all of the following:

- (i) Involve key identified personnel to protect the care, welfare, dignity, and safety of the pupil.**
- (ii) Continually observe the pupil in emergency seclusion or emergency physical restraint for indications of physical distress and seek medical assistance if there is a concern.**
- (iii) Document observations.**
- (iv) Ensure to the extent practicable, in light of the ongoing emergency situation, that the emergency physical restraint does not interfere with the pupil's ability to communicate using the pupil's primary mode of communication.**

- (v) Ensure that at all times during the use of emergency seclusion or emergency physical restraint there are school personnel present who can communicate with the pupil using the pupil's primary mode of communication.**

III. *Documentation and Reporting of Seclusion and Restraint*

The following documentation and reporting are required for the use of any seclusion and restraint:

- (a) Each use of seclusion or restraint and the reason for each use shall be documented in writing and reported in writing or orally to the school building administration and the pupil's parent or guardian immediately and documented in a written report for each use of seclusion or restraint, including multiple uses within a given day, with this written report provided to the parent or guardian within the earlier of 1 school day or 7 calendar days.**
- (b) After any use of seclusion or restraint, school personnel must make reasonable efforts to debrief and consult with the parent or guardian, or with the parent or guardian and the pupil, as appropriate, regarding the determination of future actions. The debriefing and consultation shall be done in accordance with department guidelines and documented on forms developed by the department.**
- (c) If a pupil exhibits a pattern of behavior that poses a substantial risk of creating an emergency situation in the future that could result in the use of emergency seclusion or emergency physical restraint, school personnel are encouraged to do all of the following:
 - (i) Conduct a functional behavioral assessment.**
 - (ii) Develop or revise a positive behavioral intervention and support plan to facilitate the elimination of the use of seclusion and restraint.**
 - (iii) Develop an assessment and planning process conducted by a team knowledgeable about the pupil, including at least the parent or guardian; the pupil, if appropriate; the individuals responsible for implementation of the positive behavioral intervention and support plan; and individuals knowledgeable in positive behavioral intervention and support.****

IV. *Development and Implementation of Emergency Intervention Plans*

The following requirements apply if it becomes necessary to develop and implement an emergency intervention plan:

- (a) If a pupil exhibits a pattern of behavior that poses a substantial risk of creating an emergency situation in the future that could result in the use of emergency seclusion or emergency physical restraint, school personnel should develop a written emergency**

intervention plan to protect the health, safety, and dignity of the pupil. The emergency intervention plan should be developed in partnership with the parent or guardian by a team that includes a teacher, an individual knowledgeable about the legally permissible use of emergency seclusion and emergency physical restraint, and an individual knowledgeable about the use of positive behavioral intervention and support to eliminate the use of seclusion and restraint. The emergency intervention plan should be developed and implemented by taking all of the following documented steps:

- (i) Describe in detail the emergency intervention procedures.
- (ii) Describe in detail the legal limits on the use of emergency seclusion and emergency physical restraint, including examples of legally permissible and prohibited use.
- (iii) Make inquiry to the pupil's medical personnel, with parental consent, regarding any known medical or health contraindications for the use of emergency seclusion or emergency physical restraint.
- (iv) Conduct a peer review by knowledgeable school personnel.
- (v) Provide the parent or guardian with all of the following, in writing and orally:
 - (A) A detailed explanation of the positive behavioral intervention and support strategies that will be utilized to reduce the risk of the pupil's behavior creating an emergency situation.
 - (B) An explanation of what constitutes an emergency situation as defined in section 1307h of the Michigan revised School Code, MCL 380.1307h, including examples of situations that would fall within the definition and situations that would fall outside the definition.
 - (C) A detailed explanation of the intervention procedures to be followed in an emergency situation, including the potential use of emergency seclusion and emergency physical restraint.
 - (D) A detailed explanation of the legal limits on the use of emergency seclusion and emergency physical restraint, including examples of legally permissible and prohibited use.
 - (E) A description of possible discomforts or risks.
 - (F) Answers to any questions.

(b) A pupil who is the subject of an emergency intervention plan should be told or shown the circumstances under which emergency seclusion or emergency physical restraint could be used.

(c) Emergency seclusion or emergency physical restraint must only be used in response to an ongoing emergency situation and not as a planned response for the convenience of school personnel, as discipline or punishment, or as a substitute for an appropriate educational program. The development of an emergency intervention plan shall be solely for the purpose of protecting the health, safety, and dignity of the pupil and does not expand the legally permissible use of emergency seclusion or emergency physical restraint.

V. *Requirements for Data Collection*

The following data must be collected in connection with the use of any seclusion and restraint:

(a) The District program in which pupils are enrolled, in accordance with department guidelines, shall collect and report data on and related to the use of restraint and seclusion in the District. In collecting and reporting this data, the District shall use existing data collection and reporting systems whenever possible. Incidents of use shall, at a minimum, be reported by race, age, grade, gender, disability status, medical condition, identity of the school personnel initiating the use of the restraint or seclusion, and identity of the school or program where the use occurred.

(b) All of the following should occur with respect to the data collected under subdivision (a):

(i) The data should be analyzed by the District in which the pupil is enrolled to determine the efficacy of the school's schoolwide system of behavioral support.

(ii) The data should be analyzed by the school and District in the context of attendance, suspension, expulsion, and dropout data.

(iii) The data should be analyzed by the school and District for the purposes of continuous improvement of training and technical assistance toward the elimination of seclusion and restraint.

(iv) The data should be analyzed by the school and the District on a schedule determined by the department.

(v) The data should be reported electronically to the department in accordance with department guidelines by the District.

(c) The department shall make available redacted, aggregate data on the reported use of seclusion and restraint, compiled by the District on a quarterly basis.

VI. Training

(a) In accordance with department guidelines, the District shall implement a comprehensive training framework that includes awareness training for all school personnel who have regular contact with pupils and comprehensive training for key identified personnel as described in subdivision (b).

(b) The District shall identify sufficient key personnel to ensure that trained personnel are generally available for an emergency situation. Before using emergency seclusion or emergency physical restraint with pupils, key identified personnel who may have to respond to an emergency situation shall be trained in all of subparagraphs (i) to (xvi) as follows and should be trained in all of subparagraphs (xvii) to (xx) as follows:

- (i) Proactive practices and strategies that ensure the dignity of pupils.**
- (ii) De-escalation techniques.**
- (iii) Techniques to identify pupil behaviors that may trigger emergency situations.**
- (iv) Related safety considerations, including information regarding the increased risk of injury to pupils and school personnel when seclusion or restraint is used.**
- (v) Instruction in the use of emergency seclusion and emergency physical restraint.**
- (vi) Identification of events and environmental factors that may trigger emergency situations.**
- (vii) Instruction on the state policy on the use of seclusion and restraint.**
- (viii) Description and identification of dangerous behaviors.**
- (ix) Methods for evaluating the risk of harm to determine whether the use of emergency seclusion or emergency physical restraint is warranted.**
- (x) Types of seclusion.**
- (xi) Types of restraint.**
- (xii) The risk of using seclusion or restraint in consideration of a pupil's known and unknown physical or mental health conditions or psychological limitations.**

- (xiii) The effects of seclusion and restraint on all pupils.
- (xiv) How to monitor for and identify the physical signs of distress and the implications for pupils generally and for pupils with particular physical or mental health conditions or psychological limitations.
- (xv) How to obtain appropriate medical assistance.
- (xvi) Cardiopulmonary resuscitation and first aid.
- (xvii) Conflict resolution.
- (xviii) Mediation.
- (xix) Social skills training.
- (xx) Positive behavioral intervention and support strategies.

VII. *Definitions.*

- (a) “Chemical restraint” means the administration of medication for the purpose of restraint.
- (b) “De-escalation techniques” means evidence- and research-based strategically employed verbal or nonverbal interventions used to reduce the intensity of threatening behavior before, during, and after a crisis situation occurs.
- (c) “Documentation” means documentation developed by the department that is uniform across the state.
- (d) “Emergency physical restraint” means a last resort emergency safety intervention involving physical restraint that is necessitated by an ongoing emergency situation and that provides an opportunity for the pupil to regain self-control while maintaining the safety of the pupil and others. Emergency physical restraint does not include physical restraint that is used for the convenience of school personnel, as a substitute for an educational program, as a form of discipline or punishment, as a substitute for less restrictive alternatives, as a substitute for adequate staffing, or as a substitute for school personnel training in positive behavioral intervention and support. Emergency physical restraint does not include a practice prohibited under section 1307b. Emergency physical restraint does not include physical restraint when contraindicated based on a pupil’s disability, health care needs, or medical or psychiatric condition, as documented in a record or records made available to the school.

(e) **“Emergency seclusion”** means a last resort emergency safety intervention involving seclusion that is necessitated by an ongoing emergency situation and that provides an opportunity for the pupil to regain self-control while maintaining the safety of the pupil and others. To qualify as emergency seclusion, there must be continuous observation by school personnel of the pupil in seclusion, and the room or area used for confinement must comply with state and local fire and building codes; must not be locked; must not prevent the pupil from exiting the area if school personnel become incapacitated or leave that area; and must provide for adequate space, lighting, ventilation, viewing, and the safety and dignity of the pupil and others, in accordance with department guidelines. Emergency seclusion does not include the confinement of preschool children or of pupils who are severely self-injurious or suicidal; seclusion that is used for the convenience of school personnel, as a substitute for an educational program, as a form of discipline or punishment, as a substitute for less restrictive alternatives, as a substitute for adequate staffing, or as a substitute for school personnel training in positive behavioral intervention and support; or a practice prohibited under section 1307b. Emergency seclusion does not include seclusion when contraindicated based on a pupil’s disability, health care needs, or medical or psychiatric condition, as documented in a record or records made available to the school.

(f) **“Emergency situation”** means a situation in which a pupil’s behavior poses imminent risk to the safety of the individual pupil or to the safety of others. An emergency situation requires an immediate intervention.

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

(h) **“Key identified personnel”** means those individuals who have received the mandatory training described in section 1307g(b)(i) to (xvi).

(i) **“Mechanical restraint”** means the use of any device, article, garment, or material attached to or adjacent to a pupil’s body to perform restraint.

(j) **“Physical restraint”** means restraint involving direct physical contact.

(k) **“Positive behavioral intervention and support”** means a framework to assist school personnel in adopting and organizing evidence-based behavioral interventions into an integrated continuum of intensifying supports based on pupil need that unites examination of the function of the problem behavior and the teaching of alternative skill repertoires to enhance academic and social behavior outcomes for all pupils.

- (l) **“Positive behavioral intervention and support plan”** means a pupil-specific support plan composed of individualized, functional behavioral assessment-based intervention strategies, including, as appropriate to the pupil, guidance or instruction for the pupil to use new skills as a replacement for problem behaviors, some rearrangement of the antecedent environment so that problems can be prevented and desirable behaviors can be encouraged, and procedures for monitoring, evaluating, and modifying the plan as necessary.
- (m) **“Prone restraint”** means the restraint of an individual facedown.
- (n) **“Regularly and continuously work under contract”** means that term as defined in section 1230.
- (o) **“Restraint”** means an action that prevents or significantly restricts a pupil’s movement. Restraint does not include the brief holding of a pupil in order to calm or comfort, the minimum contact necessary to physically escort a pupil from 1 area to another, the minimum contact necessary to assist a pupil in completing a task or response if the pupil does not resist or resistance is minimal in intensity or duration, or the holding of a pupil for a brief time in order to prevent an impulsive behavior that threatens the pupil’s immediate safety, such as running in front of a car. Restraint does not include the administration of medication prescribed by and administered in accordance with the directions of a physician, an adaptive or protective device recommended by a physician or therapist when it is used as recommended, or safety equipment used by the general pupil population as intended, such as a seat belt or safety harness on school transportation. Restraint does not include necessary actions taken to break up a fight, to stop a physical assault, as defined in section 1310, or to take a weapon from a pupil. Restraint does not include actions that are an integral part of a sporting event, such as a referee pulling football players off of a pile or a similar action.
- (p) **“Restraint that negatively impacts breathing”** means any restraint that inhibits breathing, including floor restraints, facedown position, or any position in which an individual is bent over in such a way that it is difficult to breathe. This includes a seated or kneeling position in which an individual being restrained is bent over at the waist and restraint that involves sitting or lying across an individual’s back or stomach.
- (q) **“School personnel”** includes all individuals employed in a public school or assigned to regularly and continuously work under contract or under agreement in a public school, or public school personnel providing service at a nonpublic school.
- (r) **“Seclusion”** means the confinement of a pupil in a room or other space from which the pupil is physically prevented from leaving. Seclusion does not include the general confinement of pupils if that confinement is an integral part of an emergency lockdown drill

required under section 19(5) of the fire prevention code, 1941 PA 207, MCL 29.19, or of another emergency security procedure that is necessary to protect the safety of pupils.

APPENDIX 1

HEARING PROCESS GUIDELINES

1. INTRODUCTIONS BY THE SCHOOL ADMINISTRATOR
2. SCHOOL ADMINISTRATOR CONFIRMS WITH PARENT THAT HEARING NOTICE WAS RECEIVED
3. REVIEW THE RIGHTS OF STUDENTS AND PARENTS. PARENTS ARE PROVIDED A COPY OF THEIR RIGHTS.
4. SCHOOL ADMINISTRATOR EXPLAINS THE PROCESS
 - a. The School Administrator will summarize the charges
 - b. Evidence will be presented to support the charges
 - i. Alleged Victim – in person or by written statement
 - ii. Witnesses – in person or by written statement: dismiss witnesses after their statements; read statement and provide oral additions
 - iii. Read other statements from witnesses, if any
5. SCHOOL ADMINISTRATOR INVITES THE ALLEGED OFFENDER TO PRESENT EVIDENCE TO SUPPORT THE CASE
6. SCHOOL ADMINISTRATOR INVITES PARENTS OF ALLEGED OFFENDER TO MAKE COMMENTS OR PRESENT ADDITIONAL EVIDENCE TO SUPPORT THE CASE
7. SCHOOL ADMINISTRATOR SUMMARIZES THE CASE AND THE FINDINGS AND FINDS STUDENT “IN VIOLATION” OR “NOT IN VIOLATION”.
8. IF THE STUDENT IS FOUND “NOT IN VIOLATION”, THE RECORD WILL BE EXPUNGED. SCHOOLWORK MAKE UP OPTIONS ARE EXPLAINED.
9. IF THE STUDENT IS FOUND “IN VIOLATION”, THE APPEAL PROCESS IS EXPLAINED. ALTERNATE ENROLLMENT OPTIONS COULD BE DISCUSSED.

APPENDIX 2

Anti-Bullying Policy

University Prep Schools recognize that a safe and civil environment within the school community is necessary for students to learn and achieve high academic standards. The District finds that bullying, like other disruptive or violent behavior, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe environment.

This policy prohibits bullying against students in any form, regardless of its subject matter or motivating animus. Retaliation or false accusation against a target of bullying, a witness or another person with reliable information about an act of bullying, is also prohibited.

The CEO shall ensure implementation of this policy and develop ongoing strategies for environmental change that are shared annually with all district staff.

The Board of Education delegates to the CEO the function of implementing administrative procedures which provide for notification of the parents or legal guardians of both victims and perpetrators of bullying.

DEFINITIONS

Bullying - any written, verbal or physical act, or any electronic communication, 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 or more pupils;**
- **Adversely affecting the ability of a pupil to participate in or benefit from the school 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.**

Cyberbullying – any electronic communication that is intended or that a reasonable person would know is likely to harm one or more students either directly or indirectly by doing any of the following:

- **Substantially interfering with educational opportunities, benefits, or programs of one or more pupils;**
- **Adversely affecting the ability of a pupil to participate in or benefit from the school 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.**

REPORTING

Any student who believes he or she has been or is currently the victim of bullying/cyberbullying or retaliation, should immediately report the situation to the School Director or Dean of Culture. The student may also report concerns to a teacher or counselor who will be responsible for notifying the appropriate school administrator.

INVESTIGATION

All reports about bullying/cyberbullying behavior, or other complaints that may violate this policy, shall be promptly investigated. The Board of Education delegates to the CEO the responsibility of establishing and implementing a procedure for the prompt investigation of a report of bullying or related complaint to be followed by a School Director or assistant School Director who receives a report of a violation of this policy.

If the investigation concludes that bullying behavior or other prohibited activity has occurred, it will result in prompt and appropriate disciplinary action, up to and including expulsion. Individuals may also be referred to law enforcement officials.

The complainant shall be notified of the findings of the investigation, and as appropriate, that remedial action has been taken.

RECORD-KEEPING

The Board of Education delegates to the CEO the function of establishing a procedure to document the report of any prohibited incident.

Verified incidents of bullying and the resulting consequences, including discipline and referrals, shall be reported to the Board of Education on at least an annual basis.

This policy and related information will be published and disseminated annually as part of the Family Student Handbook, the Board Policy Book, all website references, and in any other media in which it may appear.

1 Purpose

1.1 To provide a process for reporting and investigating cases of bullying/cyber bullying against students.

1.2 To provide strategies within the school community to recognize and guard against bullying.

2 Definitions

2.1 Bullying - any written, verbal or physical act, or any electronic communication, 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:

2.1.1 Substantially interfering with educational opportunities, benefits, or programs of one or more pupils;

2.1.2 Adversely affecting the ability of a pupil to participate in or benefit from the school 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;

2.1.3 Having an actual and substantial detrimental effect on a pupil's physical or mental health;

2.1.4 Causing substantial disruption in, or substantial interference with, the orderly operation of the school.

2.2 Cyberbullying – any electronic communication 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:

2.2.1 Substantially interfering with educational opportunities, benefits, or programs of one or more pupils;

2.2.2 Adversely affecting the ability of a pupil to participate in or benefit from the school 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;

2.2.3 Having an actual and substantial detrimental effect on a pupil's physical or mental health;

2.2.4 Causing substantial disruption in, or substantial interference with, the orderly operation of the school.

3 Background Information

3.1 University Prep Schools recognize that a safe and civil environment in school is necessary for students to learn and achieve high academic standards. The District finds that bullying, like other disruptive or violent behavior, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe environment.

3.2 University Prep Schools prohibit all bullying/cyberbullying, without regard to its subject matter or motivating animus.

3.2.1 University Prep Schools prohibit any form of retaliation or false accusation against a target of bullying/cyber bullying, a witness or another person with reliable information about an act of bullying/cyberbullying.

3.2.2 Retaliation against any person who reports, is thought to have reported, files a complaint, or otherwise participates in an investigation or inquiry concerning allegations of bullying/cyber bullying is prohibited and will not be tolerated.

3.2.3 Such retaliation shall be considered a serious violation of Board policy and independent of whether a complaint is substantiated. Suspected retaliation should be reported in the same manner as bullying/cyberbullying.

3.2.4 Making intentionally false reports about bullying/cyberbullying for the purpose of getting someone in trouble is similarly prohibited and will not be tolerated.

3.3 Students found to have committed an act of bullying/cyber bullying, retaliation or false accusation will receive the appropriate measure of discipline as outlined in the Student and Family Handbook.

3.3.1 Students have the right to due process in all disciplinary proceedings.

3.3.2 Parent/guardian notification and participation in matters of disciplinary action is required.

3.4 To the extent desired by the student reporting the incident, confidentiality will be maintained during the investigation process. Student choice regarding confidentiality will be documented on the Bullying/Cyberbullying Report.

4 Procedures

4.1 Any student who believes he or she has been or is currently the victim of bullying/cyber bullying should immediately report the situation to the School Director or Dean of Culture.

4.2 The student may also report concerns to a teacher or counselor who will be responsible for notifying the appropriate school administrator.

4.3 Students who feel they are the subject of retaliation should immediately report the situation to the appropriate school administrator.

4.4 The School Director or Dean of Culture who has received a report of bullying/cyberbullying shall investigate and complete the investigation as promptly as the circumstances permit. Administrator will document complaint on the Bullying/Cyber Bullying Incident Report Form.

4.4.1 Investigation completion goal within 5 school days from receipt of the complaint, and shall include:

- Contacting parent/guardian to inform of student report.**
- Interviewing students involved and witnesses, if any.**

- Providing appropriate agency referrals to all parties involved.

4.4.2 If incident is substantiated finding a student as the perpetrator, School Director/Dean of Culture affects immediate disciplinary action, up to and including law enforcement referral.

4.4.3 If incident is substantiated finding an adult as the perpetrator, school administrator contacts the CEO.

4.4.3.1 School District action against substantiated adult perpetrators shall include:

- Discharge for employees;
- Exclusion for parents/guardians, guests, volunteers and contractors

4.4.4 Determine long-term plan for remediation.

4.4.5 Provide written documentation of findings to all parties and to CEO.

5 Training & Feedback

5.1 CEO will share bullying/cyberbullying policy with School Directors prior to the start of each school year.

5.2 School Directors will share bullying/cyberbullying policy with teachers prior to the start of each school year.

5.3 School Directors will ensure that all students and parents are made aware of the bullying/cyberbullying policy and procedures for reporting any incidents of bullying/cyberbullying within the first week of each school year. Details of this policy will be included in the Student and Family Handbook.

5.4 CEO will review incidents of bullying/cyberbullying at conclusion of each school year and recommend changes to the policy as needed.

The Academy shall report incidents of bullying to the State on an annual basis according to the form and procedures established by the State.

If the Board amends or modifies the anti-bullying policy then it shall submit a copy of the modified policy to the State within 30 days of adopting the modification.

University Prep Schools

BULLYING/CYBERBULLYING INCIDENT REPORT FORM

Student Reporting Incident: _____ Date

Grade: _____ Administrator Completing Investigation: _____

- I want my identity to be kept confidential
- You have permission to make my identity known

Description of Incident (what happened; where; when; relevant background information, including previous history; witnesses, if any):

Description of Investigation (who was interviewed; what was learned, including documentation of parental notice of accusation and investigation):

Conclusion(s):

Actions Taken (including consequences, if accusation is substantiated):

Consequences:



MISSION: *To prepare students for success in life.*

Please return this form to your child's teacher/crew leader

**PARENT AND STUDENT STATEMENT OF RECEIPT, REVIEW AND ACCEPTANCE
OF THE STUDENT CODE OF CONDUCT**

We, the undersigned, agree to:

STUDENT:

- Read and follow the rules and regulations as outlined in the Student Code of Conduct.
- Not bring drugs, weapons or anything that may endanger others to school or school events.
- Notify school staff if I see a dangerous situation in school or at school events.
- Seek staff assistance when conflicts arise involving me or my peers.

STUDENT'S PRINTED NAME

STUDENT'S Crew Leader:

STUDENT'S SIGNATURE

DATE _____

SCHOOL:

PARENT:

- Read the rules and regulations as outlined in the Student Code of Conduct.
- Teach and encourage my child/children to follow the school guidelines.
- Respect school staff and adhere to school policies and procedures.
- Notify school officials when conflicts arise involving students.

PARENT/GUARDIAN'S PRINTED NAME

PARENT/GUARDIAN'S SIGNATURE

DATE

