

#	Questions about what is in local district's Code of Conduct	Yes / No (no indicates an area of need)	What does Michigan Law say? (starting Aug. 1)	What does the MI Board of Education Model Code say about it	What does the national Dignity In Schools Model Code say about it?	Notes
1	Can you easily get a copy of your District's Code of Conduct? Is it available online? Do students and parents receive a copy at the start of the school year?			A copy of the rules and procedures must be disseminated to all students. (Pg. 5)	Districts and schools must ensure that students, parents or guardians, and teachers know and understand all of the school norms, expectations, rules and disciplinary processes. (Pg.22 3.1.a.D.2)	
2	Does your local Code have goals of school discipline in line with restorative practices?		Districts MUST consider using restorative practices as an alternative or in addition to suspension or expulsion.	The Michigan State Board of Education (SBE) strongly urges school districts to review existing zero tolerance policies and to adopt practices that allow educators to address disciplinary matters as opportunities for learning instead of punishment (Pg 1)		
Guidelines for Suspensions and Expulsions						
3	Does your local Code create a rebuttable presumption that removals of 10 days or more are <u>not</u> justified?		Creates a rebuttable presumption that a suspension of 10 days or more or expulsion is not justified unless the board or board of directors, or its designee, can demonstrate that it considered each of the factors listed under subsection (1).	Educators will seek the option that maximizes students' learning and pro-social development while prioritizing keeping students engaged in learning. (Pg. 23)		
4	Does your local Code list considerations that must be made BEFORE suspending or expelling a student?		Age, disciplinary history, disability status, threatened safety of staff, potential for restorative practices or lesser interventions MUST be considered			
5	Are there limits to the school's discretion to suspend or expel a student?			Educators will seek the option that maximizes students' learning and pro-social development while prioritizing keeping students engaged in learning. (Pg. 23)	Suspension or expulsion may only be considered for the most serious and dangerous offenses and only if absolutely necessary to protect the safety of the school community.(Pg. 32 3.1.c.B)	
6	Are suspensions and expulsions limited to only serious and dangerous offenses?			Recognizing exclusionary discipline's negative impact, the school community will reserve exclusion for only the most serious offenses. (Pg. 3)	Suspension or expulsion may only be considered for the most serious and dangerous offenses and only if absolutely necessary to protect the safety of the school community.(Pg. 32 3.1.c.B)	
7	Are there early intervention policies in place to target students at risk of being pushed out of school?			To foster each student's academic success and pro-social development, the school will consider research-based social and emotional learning strategies and options designed to promote positive behavior and modify negative behavior while holding students accountable and minimizing exclusion time. (Pg. 3)		
8	Does your district suggest alternatives to suspension/expulsion?		Restorative practices, including apologies, community service, counseling, restitution	In the event that students violate any part of the Code of Student Conduct, the school community will apply support and guidance to increase the opportunity for the student to both offer restitution and learn from mistakes. School administrators and staff may use mutually respectful and accountable intervention strategies, as determined by local district policies including, but not limited to, restorative practices, staff and student/parent conferences, auxiliary staff intervention and counseling programs, student programs for conflict resolution and peer mediation, and programs for anger management and violence prevention. They may also refer students and/or their families to community-based services such as mental health care, substance abuse prevention and diversion, and others. (Pg. 22-23)	Suspensions or expulsions may only be used after non-exclusionary discipline alternatives (like counseling, mediation, etc.) have been carefully considered, tried and documented.(Pg. 32 3.1.c.B.1. a)	
9	Does your district require that alternatives be used before suspension/expulsion?		Districts MUST consider "lesser interventions," and restorative practices.	See above for suggestions.	See above for suggestions.	

10	Does your district require restorative practices be considered for certain offenses?		Restorative practices should be the first consideration to remediate offenses such as interpersonal conflicts, bullying, verbal and physical conflicts, theft, damage to property, class disruption, and harassment and cyberbullying.		
11	Is a student ineligible to be expelled or suspended for a first time offense? (excluding required suspensions and expulsions under state law)				No student can be suspended or expelled for a first-time offense (unless required by federal or state law or in an emergency). (Pg. 33 3.1.c.D.1)
12	Are there different rules for students of different ages or grade levels? (For example, different suspension policies for elementary and middle school students vs. high school?)			Recognizing the importance of keeping students in school learning as much as possible, educators will consider the severity or repetition of misconduct, age and grade level of the student, circumstances surrounding the misconduct, impact of the student's misconduct on others in the school community, and any other relevant factors in determining how they will address misconduct. (Pg. 2)	No student under the age of 10 may be excluded from school for disciplinary reasons.(Pg. 33 3.1.c.D.2); No student under the age of 15 may receive a suspension of more than 3 days.(Pg. 33 3.1.c.D.3)
13	Is there a limit on the number of days a student can be suspended?		Expulsions for possession of firearms is 90 days (grades 5 or below) or 180 days (grades 6 and above), unless exceptions apply.	Therefore, as part of its commitment to graduating well-educated students, MDE recommends the maximum length of short-term suspensions be five days. (Pg. 3)	No student can be suspended for more than 5 days in a row, or 10 days total during an academic year. (Pg. 33 3.1.c.D.4)
14	Are there any types of offenses for which suspensions are not allowed?			Educators will seek the option that maximizes students' learning and pro-social development while prioritizing keeping students engaged in learning. (Pg. 23)	Suspensions are not allowed for: being late to school or class or being absent; violating school dress code or uniform rules; minor behavior infractions (insubordination, defiance, disobedience, disrespect, or disruptive or rowdy behavior, classroom disruption, etc.) (Pg. 33 3.1.c.D.6)
15	Are zero-tolerance policies in your Code limited to those required by state law?		In Michigan, only possession of firearms is a mandatory expulsion, per federal law (as of Aug. 1, 2017)	The SBE encourages schools to use discretion afforded under zero tolerance laws and other regulations to reserve suspension and expulsion for only the most serious offenses such as those infractions required by law and deemed absolutely necessary. (Pg 1)	States, districts and schools shall eliminate zero-tolerance laws and policies. (Pg. 23 3.1.a.F)
16	Are students protected from exclusionary discipline when exercising their First Amendment rights in violation of a school rule?			Students should have freedom and encouragement to express their individuality in school, as long as their conduct does not intrude upon the freedom or safety of others. (Pg. 17)	Students may exercise the rights of speech, assembly, press and association, in accordance with the First Amendment of the United States Constitution and any applicable state laws. Except in the most serious circumstances, schools shall use non-exclusionary responses when students violate school rules in the process of exercising their First Amendment rights. (Pg. 35 3.1.c.D.8)
Access to Education During Suspension and Expulsion					
17	Once a school in your district proposes to exclude a student, are they entitled to remain in school while they await the final decision?				If a district or school proposes to exclude a student, regardless of whether that exclusion is a suspension or an expulsion, that student shall remain in school pending the outcome of that student's exclusion conference or expulsion hearing. (Pg. 33 3.1.c.E.1)

18	Does a student in your district have the right to continue to access academic work during a short-term suspension?			when suspension is used, students have the right to complete, turn in, and receive any credit earned on assignments and tests scheduled during their disciplinary absences. (Pg. 3)	If a student is suspended from school, that student has a right to continue to access and complete regular academic work during the suspension.(Pg. 33 3.1.c.E.2); If a student is expelled from school, that student shall have a right to attend a high quality alternative school where the student shall receive a complementary education.(Pg. 34 3.1.c.E.3)	
19	Does a student in your district have the right to continue to access academic work during a long-term suspension?					
20	Does a student in your district have the right to continue to access education following an expulsion (such as the right to be placed in an alternative academic setting)?		At a minimum, districts can count expelled students in membership on a pro rata basis if they provide at least 2 hours of instruction weekly. See MCL 388.1606(4)(u). Under Sec. 21f, non-virtual districts must provide enrolled students, grades 5-12th, up to two online classes per semester/trimester.			
Due Process Protections in Suspensions and Expulsions						
21	Must a student facing suspension receive the minimal oral or written notice and an opportunity to respond (required by Goss v. Lopez)?			For a suspension of five (5) days or less, a student is entitled to minimal due process protections, including oral or written notice of the accusation(s), what disciplinary measures are being proposed, and an opportunity to respond. If feasible, the notice and hearing should precede the student's removal from school. (Pg. 6)	If a student is suspended for 5 days or less, the student has the right to an exclusion conference.(Pg. 34 3.1.d.B.1.b)	
22	Does a student facing suspension have the right to an exclusion conference or other meeting with school officials?			For a suspension of five (5) days or less, a student is entitled to minimal due process protections, including oral or written notice of the accusation(s), what disciplinary measures are being proposed, and an opportunity to respond. If feasible, the notice and hearing should precede the student's removal from school. (Pg. 6)	If a student is suspended for 5 days or less, the student has the right to an exclusion conference.(Pg. 34 3.1.d.B.1.b)	
23	Does a student have the right to a full hearing before suspension/expulsion for any exclusion of 10 or more days?			If recommended by the principal or assistant principal, the school district's board of education or its designee shall conduct a hearing to determine whether to impose a long-term suspension or expulsion. (Pg 7-8)	For any exclusion of 10 or more days, the student has a right to a full hearing. (Pg. 35 3.1.d.C)	
24	Do students have a right to representation at an exclusion hearing? (for an exclusion of longer than 10 days)			The following are some of the elements of procedural due process that should be considered: The student's right to be represented by qualified counsel at the hearing. (Pg. 5-6)		
25	Do students have a right to non-legal representation at an exclusion hearing? (for an exclusion of longer than 10 days)			The student and parent/guardian may be represented at the hearing by an attorney or other adult. (Pg. 8)		
26	Does the district require that parents be notified of the time, date, and location of a student's exclusion hearing?			The student and parent/guardian shall be notified of the allegation, the recommended disciplinary action, the time, date, and location of the hearing, and of their right to attend and participate in the hearing. (Pg 8)	Prior to the full hearing for an exclusion of 10 days or more, the school must provide timely notice to the student's parents, in the language in which they are most comfortable. (Pg. 35 3.1.d.E)	
27	Does your district require that a neutral officer preside over the hearing?			The person conducting the disciplinary hearing must be impartial. (Pg. 7)	The hearing shall be conducted by a neutral hearing officer or panel who was neither directly involved with nor a witness to the alleged incident.(Pg. 36 3.1.d.F)	
28	Do students in your district have a right to appeal the decision of exclusion?			A student that disagrees with the decision of the board of education may, within five (5) days of receipt of the decision, petition the board of education for the opportunity to request appeal or reconsideration by the board or its designee. (Pg. 8)	A student who has been excluded from school has the right to appeal his or her exclusion. Appeals shall be heard by a neutral hearing officer designated by the district Board of Education or equivalent entity.(Pg. 37 3.1.d.I)	

29	Does the district require that parents be provided with copies of the evidence prior to the hearing (not simply the nature of the evidence or summary of the evidence)?			Prior to the hearing, families will be given an opportunity to review all documents, videos, other media, or any other types of evidence, and a list of all witnesses slated to testify. (Pg. 8)		
Definitions						
30	Is an expulsion defined as a period of 60 or more days?		Expulsion defined as 60 or more days. Expulsions for possession of firearms is 90 days (grades 5 or below) or 180 days (grades 6 and above), unless exceptions apply.			
31	Is a suspension defined as a period of fewer than 60 days?		to exclude a student from school for disciplinary reasons for a period of fewer than 60 days.			
32	Is restorative practices defined in your Code?		See Michigan PA 361			

This tool was originally developed by volunteers at the Student Rights Project, a collaborative project of students from the University of Michigan Law School, School of Social Work, School of Education and Student Advocacy Center of Michigan, an independent nonprofit that serves struggling K-12 students. The tool was modified by SAC to include provisions from the new "Rethink Discipline" law changes that go into effect Aug. 1.