

S31- Student Conduct and Discipline

Revised on June 10, 2017

Second Revision on _____

The School has as its goal to help every student fulfill his or her intellectual, social, physical and emotional potential. Everything in and about the School has been designed to create an orderly and distraction-free environment in which all students can learn effectively and pleasantly.

To foster this kind of learning environment, the School administrators and teachers shall not allow the following behaviors at School. At School (“at School”) means students are considered to be subject to the authority of the School during school, any time while on school property, while en-route to or from school, or at or during any school-sponsored activities. Examples include, but are not limited to: athletic meets and games, field trips, contests, and concerts. Misbehaviors that occur at such events will be subject to the same penalties as misbehaviors that occur on school grounds. The School maintains its right to discipline actions in violation of this Code of Conduct that occur at School, as defined herein.

All students at School are entitled to the rights guaranteed by the United States Constitution and Bill of Rights, and their rights will not knowingly be denied by the School’s mandatory Code of Conduct or by any disciplinary actions taken by the School. Any student who exhibits any of the Unacceptable Student Behaviors listed below or added to this list at a later date will face immediate consequences. These consequences may vary from notification of parents, detention, and emergency removal from a school activity to suspension, expulsion, and criminal prosecution.

All students at School have the right to feel that they are physically, emotionally, and intellectually safe. Therefore, if at any time you feel you are the subject of harassment, hazing, threats, or other intimidating behavior, you should immediately speak to a School administrator about the problem. The situation will be investigated as soon as possible. All reports of this nature will be kept completely confidential.

Similarly, if you are concerned about the safety of another student who seems to be the subject of harassment, hazing, or threats, you should immediately speak to an administrator about the problem. The situation will be investigated as soon as possible. All reports of this nature will be kept completely confidential.

Unacceptable Student Behaviors

Students are considered to be subject to the authority of the school when they are enroute to or from school and at school related or school sponsored events even though those activities may not take place on school grounds. Some examples include: athletic meets and games, field trips, contests, and concerts. Misbehaviors that occur at such events as outlined below will be subject to the same penalties as misbehaviors that occur on school grounds. A non-exhaustive list of misbehaviors and penalties are outlined below:

Level I Misbehaviors:

1. Failing to attend school on time or to attend classes on time (subject to the School's Attendance and Truancy Policies);
2. Failing to attend all assigned classes (subject to the School's Attendance and Truancy Policies);
3. Taking and using the writings and ideas of another and deceptively submitting them as one's own work to satisfy a school assignment;
4. Signing the name of another person for the purpose of defrauding School personnel;
5. Cheating on examinations or attempting to obtain answers dishonestly;
6. Engaging in excessive displays of mutual affection;
7. Possessing beepers, pagers, MP3 players, cellular phones, CD players, laser pointers, video games and similar electronic devices in School during unauthorized times;
8. Wearing non-dress code clothing (students are not to dress down on their birthdays and notes will not be accepted on this day);
9. Posting or distributing materials on School property without appropriate permission or that cause a disruption to the educational process;
10. Failure to serve a Saturday suspension;
11. No card playing at any time, this includes before and after school and during lunch periods; and
12. No Soliciting

Corrective Action I

Disciplinary responses, including suspensions, may be used by the Principal or his/her designee to correct Level I misbehaviors. Level I misbehaviors may result in detentions, suspensions, and optional classroom assignments. Disciplinary responses may include, but are not limited to:

- Conference with teacher (with student alone or with parent(s)/guardian(s));
- Conference with administration (with student alone or with parent(s)/guardian(s));
- Parent/guardian contact by phone/email;
- Detention;
- In-School Suspension;
- Saturday Suspension;
- Suspension up to three (3) days; and
- Behavioral Contract.

The Administration may utilize school based or agency mediation programs for conflicts between students as appropriate. Related or repeated occurrence of Level I misbehaviors may result in discipline as a Level II misbehavior.

Level II Misbehaviors:

1. Repeated violation of Level I misbehavior.
2. Use, possession, distribution or promotion of tobacco, tobacco product look-alikes, or products intended to replicate tobacco products by appearance or effect.
3. Leaving the School or classroom without permission, in the absence of an emergency declared by the School.
4. Engaging in or causing a disruption on a school transportation.
5. Verbally or physically threatening to injure or harm another person or intimidating another person by creating fear for personal safety.

6. Use, possession, distribution or promotion of alcoholic or other intoxicant or coming to School under the influence of alcohol or drugs.
7. Intentionally causing an interruption of education in the classroom.
8. Using insulting, degrading, demeaning, obscene, abusive or profane language, including racial, sexual, religious or ethnic slurs, written or verbal, toward students, school personnel or individuals on School property.
9. Failing to adhere to School culture and directives of School personnel when subject to the authority of the School.
10. Intentionally participating in or initiating actions that result in a disruption to the school or educational process.
11. Gambling.
12. Trespassing, including entering a school to which the student is not assigned without signing in at the office, entering a school from which the student is suspended without permission from the School administration, bringing an unauthorized visitor to the School, or entering unauthorized areas of the building.
13. Intentionally participating in hazing activities.
14. No student shall commit any act of verbal, written, gesture-oriented, or physical sexual misconduct on school property, school buses, at school-sponsored events, or while using school technology resources. This includes "sexting" which is defined as sending, sharing, viewing, or possessing pictures, text messages, emails or other material of a sexual nature in electronic or other form on a cell phone or other electronic device.
15. Engaging in an activity that may create a condition that is unsafe or unhealthy to others.
16. Use of the elevator. No students are permitted on the elevator for any reasons (except medical conditions by doctor report). This will be strictly enforced with a 5-day suspension to ensure compliance.
17. Use of the copy machine is strictly prohibited.
18. Students are not permitted in unsupervised areas within the School.
19. Bullying, Cyberbullying, Harassment or Intimidation as defined in the School's Anti-Harassment, Intimidation and Bullying Policy.

Corrective Action II

- Corrective actions for Level I
- Suspension up-to five (5) days

Level III Misbehaviors

1. Using or bringing weapons, dangerous instruments, explosives, firearms, or knives to School.
 - a. A weapon is anything that is commonly used or designed to hurt someone or to put someone in fear (examples: guns, knives, knuckles, clubs, box-cutters etc.)
 - b. Knife is defined as cutting instrument consisting of a sharp blade or edge, not to include scissors, wire cutters, or other similar tools determined by the principal(s) to be necessary in the school setting at a particular building or grade level, if used only for the necessary purpose.
 - c. Firearm has the same meaning as provided pursuant to the "Gun Free Schools Act of 1994". At the time this policy was adopted, the above-referenced statute defined a firearm as any weapon (including a starter's gun) which will or is designed to or may readily be converted to expect a projectile by the action of an explosive; including the

frame or receiver of any such weapon; and any firearm muffler or silencer; or any destructive device. If the definition of a firearm as provided by the "Gun Free Schools Act of 1994" changes, then the definition set forth in this policy shall automatically change to conform to it.

- d. A dangerous instrument is anything that although not specifically designed to hurt someone, can be used to hurt someone or put someone in fear (examples: belts, combs, compasses, etc.).
 - e. An explosive is any substance that can potentially generate a release of mechanical or chemical energy (examples: firecrackers, cherry bombs, gun shells, etc.).
 - f. Any object, which closely resembles a weapon or explosive and could put persons in fear for their safety is included in this category (examples: starter pistols, pellet guns, toy guns, smoke bombs, etc.).
 - g. The prohibited items include, but are not limited to, possession of the following:
 - i. Knife less than 2 inches;
 - ii. Knife 2 inches or more;
 - iii. Handgun;
 - iv. Rifle or shotgun;
 - v. BB/pellet/airsoft/paintball firearm;
 - vi. Toy or any look-a-like gun;
 - vii. Destructive device (bomb, grenade, mine, rocket, missile, pipe bomb or similar device);
 - viii. Brass knuckles or metal knuckles;
 - ix. Fireworks;
 - x. Accelerants (any liquid/aerosol, etc. which may be used to start or perpetuate a fire or other hazardous condition);
 - xi. Tear gas, mace or pepper spray;
 - xii. Bats, clubs, sticks or other instruments of a bludgeoning type (other than for athletics);
 - xiii. Razors or razor blades;
 - xiv. Spring stick/expandable baton;
 - xv. Throwing star, oriental dart, or any disc having two or more points or pointed blades which is designed to be thrown or propelled; and
 - xvi. Taser/Stun gun;
2. Verbally or physically threatening to injure or harm a student or school staff member.
 3. Fighting, hitting, biting, pinching, or pushing another student or a staff member.
 4. Showing disrespect to teachers or staff and/or using inappropriate language and behavior.
 5. Sexual assault as defined by the State Law.
 6. Intentionally causing or attempting to cause physical injury or intentionally behaving in such way as could reasonably cause physical harm to another person.
 7. Sexual conduct or sexual contact without mutual consent which includes all forms of sexual harassment.
 8. Hate crimes.

9. Engaging in drug related activities, including but not limited to:
 - a. Making, selling, or distributing drugs/counterfeit drugs at School;
 - b. Bringing readily identifiable drug use/abuse instruments or paraphernalia to School or having such items in his/her possession; and
 - c. Using or possessing drugs/counterfeit drugs at School.
10. Intentionally burning or attempting to burn property.
11. Stealing, attempting to steal or possession of stolen property.
12. Damaging or attempting to damage property: Any property damaged/broken by the student whether playfully or intentionally is to be repaired or replaced at the parents' or guardians' expense.
13. Forcibly entering a school building locker, classroom, or secured enclosure or area.
14. Extorting or attempting to extort property or money.
15. Falsely sounding a fire alarm, or causing a fire alarm to be sounded.
16. Falsely communicating or causing to be communicated that a bomb is located in or on property.
17. More than one person acting together to intentionally cause harm or injury to another individual.
18. Excessive referrals of Level I and/or Level II misbehaviors.

Corrective Action III

Any student may be suspended or referred for expulsion by the School for violation of a Level III offense. Parents will be informed of any Level III misbehavior offense committed by their child immediately by School administration.

See the "Weapons Expulsion" section below for additional information related to required corrective actions for weapons.

Suspension Procedures

Out-of-school suspension is removal of a student from school for a period of one to ten days. While students are suspended from school, they may be afforded the opportunity to receive some or all of their homework assignments. During suspension, students are not permitted to participate in extracurricular activities or be on any school property.

The principal, assistant principal or principal designee may suspend a student. Prior to suspending a student, the principal, assistant principal or principal designee must do both of the following:

1. Give written notice of the intention to suspend and the reasons for the intended suspension to the student. If the proposed suspension is based on a violation listed in Ohio Revised Code Section 3313.662(A) and the student is sixteen years of age or older, the notice must contain a statement that the School may seek to permanently exclude the student if the student is convicted of or adjudicated a delinquent child for that violation; and
2. Provide the student an opportunity to appear at an informal hearing before the principal, assistant principal or principal designee and challenge the reasons for the intended suspension or otherwise explain. The hearing can happen immediately and can happen anywhere - the hall, office, classroom, etc.

Within one school day after the time of the student's suspension, the principal, assistant principal or principal designee shall also provide written notice of suspension to the parent/guardian of the student

and the treasurer of the Board of Directors. The notice shall contain:

1. The reasons for the suspension;
2. Notice of the right of the student, or student's parent/guardian/custodian to appeal to the Board of Directors or the Board's designee;
3. Notice that the student/parent/guardian/custodian has the right to be represented in all appeal proceedings;
4. Notice of the right to be granted an appeal hearing before the Board of Directors or the Board's designee to be heard against the suspension;
5. Notice of the right to request that the hearing be held in executive session;
6. Notice that the School may seek the student's permanent exclusion if the suspension was based on a violation listed in Ohio Revised Code Section 3313.662(A) that was committed when the student was sixteen years of age or older and if the student is convicted of or adjudicated a delinquent child for that violation; and
7. The date and manner by a student or parent/guardian/custodian may notify the Board of Directors of their intent to appeal the suspension. If the student or parent/guardian wishes to appeal the suspension, the request must be submitted, in writing, to the principal within five (5) school days of the written notice of suspension. The principal shall immediately forward this written appeal to the Board of Directors and Board of Directors' appeal hearing designee.

If there are fewer than ten school days remaining, the out-of-school suspension may not be applied to the following school year, but the school leader may require the student to participate in a community service program or other alternative consequences for a number of hours equal to the remaining period of the suspension.

EXPULSION

Except as specifically provided for by statute, the superintendent may expel a student for a period not to exceed the greater of 80 school days or the number of days remaining in the semester or term in which the offense leading to expulsion took place. Students expelled from the school are not permitted to participate in extracurricular activities or be on any school property. Expulsions may extend into the following school year.

Only the superintendent may expel a student. No student shall be expelled unless prior to the expulsion, the principal does both of the following:

- (1) The principal shall give the student and parent, guardian or custodian written notice of the intention to expel the student and the reasons for the intended expulsion. The notice shall include the reasons for the intended expulsion, notification of the right of the student, guardian, custodian or their representative to appear before the principal or his/her designee to hear and to challenge the reasons for the intended expulsion or otherwise to explain the student's actions, and the notification of the time and place to appear. The time to appear shall not be sooner than three (3) nor later than five (5) school days after the notice has been given unless the principal grants an extension of time at the request of the student, his/her guardian, custodian, or representative. If an extension of time is granted, the principal shall notify the student and his/her parent, guardian, custodian, or representative of the new time and place to appear. If the proposed expulsion is based on a violation listed in Ohio Revised Code Section 3313.662(A) and the student is sixteen years of age or older, the notice must contain a statement that the principal may seek to permanently exclude the student if the student is convicted of or adjudicated a delinquent child for that violation.

- (2) Provide the student and parent, guardian, or custodian an opportunity to appear in person before the principal or the principal's designee to challenge the reason for the intended expulsion or otherwise to explain the student's actions.

Within one school day after the time of the student's expulsion, the principal shall also provide written notice of expulsion to the parent/guardian of the student and the treasurer of the Board of Directors. The notice shall contain:

1. The reasons for the expulsion;
2. Notice of the right of the student, or student's parent/guardian/custodian to appeal to the Board of Directors or the Board's designee;
3. Notice that the student/parent/guardian/custodian has the right to be represented in all appeal proceedings;
4. Notice of the right to be granted an appeal hearing before the Board of Directors or the Board's designee to be heard against the expulsion;
5. Notice of the right to request that the hearing be held in executive session;
6. Notice that the School may seek the student's permanent exclusion if the suspension was based on a violation listed in Ohio Revised Code Section 3313.662(A) that was committed when the student was sixteen years of age or older and if the student is convicted of or adjudicated a delinquent child for that violation and that the expulsion may be extended if a juvenile court or criminal proceeding regarding such violation is pending at the time the expulsion terminates; and
7. The date and manner by a student or parent/guardian/custodian may notify the Board of Directors of their intent to appeal the expulsion. If the student or parent/guardian wishes to appeal the expulsion, the request must be submitted, in writing, to the principal within fourteen (14) calendar days of the written notice of expulsion. The principal shall immediately forward this written appeal to the Board of Directors and Board of Directors' appeal hearing designee.

If the superintendent expels a student for more than twenty school days or for any period of time if the expulsion will extend into the following semester or school year the notice shall provide the student and the student's parent, guardian, or custodian with information about services or programs offered by public and private agencies that work toward improving those aspects of the student's attitudes and behavior that contributed to the incident that gave rise to the student's expulsion. The information shall include the names, addresses, and phone numbers of the appropriate public and private agencies.

An expelled student will be provided with a date for re-entry and the date for the re-entry conference. The expelled student, and parent or guardian of the student must be present in the re-entry conference. The student and parent or guardian of any student will be notified in the event that the student fails to attend the re-entry conference.

Expulsion proceedings will be pursued against a student who has committed an act warranting expulsion even if the student has withdrawn from school for any reason after the incident giving rise to the hearing, but before the hearing or decision to expel. If after the hearing, the student would have been expelled for a period of time had the student remained in school, the expulsion will be for the same length of time as on a student who has not withdrawn from school.

Weapons Expulsion

A student must be expelled for one year for:

1. Bringing a firearm to the School or onto School Property (any Property owned, used, or leased by the School for school, school extra-curricular activities or school related events).
2. A student may be expelled for one year for:
 - a. Bringing a firearm to an interscholastic competition, an extracurricular event, or any other school program or activity that is not located at the School or on School Property.
 - b. Possessing a firearm at School, on School Property, or at an interscholastic competition, an extracurricular event or any other school program or activity which firearm was initially brought onto the property by another person.
 - c. Bringing a knife to School, onto School Property, an interscholastic competition, an extracurricular event, or any other program or activity sponsored by the school or which the school is a participant.
 - d. Possession of a knife at School, on School Property, or at an interscholastic competition, an extracurricular event, or any other program or activity sponsored by the School or which the school is a participant which knife was initially brought onto the property by another person.
 - e. Committing an act while at School, on School Property, at an interscholastic competition, an extracurricular event, or any other School program or activity that is a criminal offense when committed by an adult that results in serious physical harm to persons or serious physical harm to property.
 - f. Making a bomb threat to a school building or to any premises at which a school activity is occurring at the time of the threat.

The specific circumstances under which the Superintendent may, in his/her discretion, reduce a one year expulsion may include: the student was unaware that he/she brought or was in possession of a firearm or knife; the student legitimately did not understand that the item he/she brought or possessed was a firearm or knife; a recommendation from qualified individuals concerning circumstances that justifiably mitigate the student's culpability.

Emergency Removal

If a student's presence poses a continuing danger to persons or property, or an ongoing threat of disrupting the academic process, the student can be removed from school without prior notice of hearing. Written notice of the removal and hearing, which must be held within three (3) school days of the student's removal, shall be provided as soon as practicable. Students are to remain home during school hours and not attend/participate in school sponsored function(s) pending the hearing. Should an out-of-school suspension be warranted, days of removal may be applied to the days of out-of-school suspension.

PERMANENT EXCLUSION

A student may be permanently excluded from school if the student is convicted of, or adjudicated a delinquent child for, committing, when the student was sixteen years of age or older, an act that would be a criminal offense if committed by an adult and if the act is any of the following:

- (1) A violation of section 2923.122 of the Revised Code;
- (2) A violation of section 2923.12 of the Revised Code, of a substantially similar municipal ordinance, or of section 2925.03 of the Revised Code that was committed on property owned or controlled by, or at an activity held under the auspices of, a board of education of a city, local, exempted village, or joint vocational school district;
- (3) A violation of section 2925.11 of the Revised Code, other than a violation of that section that would be a minor drug possession offense, that was committed on property owned or controlled by, or at an activity held under the auspices of, the board of education of a city, local, exempted village, or joint vocational school district;

- (4) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 or of former section 2907.12 of the Revised Code that was committed on property owned or controlled by, or at an activity held under the auspices of, a board of education of a city, local, exempted village, or joint vocational school district, if the victim at the time of the commission of the act was an employee of that board of education;
- (5) Complicity in any violation described in (1), (2), (3), or (4) above that was alleged to have been committed in the manner described in (1), (2), (3), or (4) above, regardless of whether the act of complicity was committed on property owned or controlled by, or at an activity held under the auspices of, a board of education of a city, local, exempted village, or joint vocational school district.

SUSPENSION/EXPULSION OF DISABLED STUDENTS

The School also has as its goal to ensure that all children with disabilities, including students with disabilities who have been suspended, expelled or otherwise removed, receive a free and appropriate education. The School shall abide by Federal and State laws regarding the discipline and removal of a child with a disability on a case-by-case basis.

Removals of Not More Than 10 Days

The School may remove a student with a disability who violates the code of student conduct from the student's current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than ten consecutive school days in a manner consistent with the removal of students without disabilities. This also applies to additional removals of not more than ten consecutive school days in that same school year for separate incidents of misconduct or non-consecutive school days, so long as those removals do not constitute a change of placement as described below. The School will not provide services for removals of not more than 10 days.

Removals of More Than 10 Days

For removals of more than ten consecutive school days or non-consecutive school days that constitute a pattern of removals, both of which constitute a change of placement, the School will conduct a Manifestation Determination Review. The Manifestation Determination Review is to determine whether the behavior that gave rise to the violation of the code of student conduct was a manifestation of the student's disability as set forth below. If the misbehavior is determined not to be a manifestation of the student's disability, the School may apply discipline procedures in a manner consistent with that of students without disabilities.

The School will provide services for removals of more than 10 days so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the student's educational goals as determined by the student's IEP team. The School may also conduct a functional behavioral assessment and provide behavioral intervention services as appropriate. The School will notify the parents on the date the School makes a decision to remove a student with a disability, because of a violation of the code of student conduct, that constitutes a change in placement. The student's IEP team is responsible to determine the alternative setting for services.

Manifestation Determination Review

The purpose of a Manifestation Determination Review is to determine whether a student's misbehavior is a manifestation of that student's disability. Prior to any student's change of placement to another setting for a violation of the student code of conduct, the School will conduct a meeting with the parent, and relevant members of the student's IEP team and review all relevant information in the student's records and information provided by the parent to determine:

- * If the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability; or
- * If the conduct in question was the direct result of the School's failure to implement the IEP.

The parent will be provided with notice of the Manifestation Determination Review meeting and a copy of the School's procedural safeguards notice. In addition, the parent will be notified of the School's decision on the date a decision is made.

Manifestation

If the School determines that the student's behavior was a manifestation of the student's disability, the student's IEP team will either:

- * Conduct a functional behavioral assessment, unless one was conducted before the behavior occurred, and implement the plan;
- or
- * If a behavioral intervention plan already has been developed, review the plan and modify it, as necessary to address the behavior.

In either case, the School will return the student to his original placement unless the parent and the School agree to a change of placement and except in instances involving a weapon, illegal drugs or serious bodily injury described below.

Not a Manifestation

If the School determines that the student's behavior was not a manifestation of the student's disability, the School may discipline the student in a manner consistent with students without disabilities and will continue to provide services.

Exception for Guns, Drugs and Serious Bodily Injury

Notwithstanding the above, the School may remove a student with a disability to an interim alternative setting for up to 45 school days, without conducting a manifestation determination review, when a student commits any of the following at the School, on School premises or at a School function:

- *Carries a weapon to or possesses a weapon;
- *Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance;
- or
- * Has inflicted serious bodily injury upon another person;

Appeal

The student or parents have the right to appeal the School's decisions as described above.