

# **STUDENT CODE OF CONDUCT**

## **2021-2022**

### **BOARD POLICIES**

5500, 5501, 5513, 5514,  
5516, 5517, 5530, 5600,  
5601, 5610, 5610.03, 5610.04,  
5610.05, 5611, 5722, 5771, 5772



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## 5500- STUDENT CODE OF CONDUCT

The Student Code of Conduct is intended to make it possible for the school to fulfill its lawful mission and to protect the health, safety, and dignity of each student and employee. Within the framework of the school structure and its lawful mission, the constitutionally guaranteed rights of students are recognized.

Any section of the Student Code of Conduct policy, or portion thereof, found by adjudication to be contrary to law or constitutional rights should be stricken without effect to the remainder.

Washington Local students K-12 must:

- A. conform to school regulations;
- B. accept direction from authorized school personnel;
- C. conduct themselves in a manner that demonstrates respect for the rights of others.

Board of Education Policy 5500, Student Code of Conduct K-12, specifies the rules and regulations which govern students while on school property or at school-related activities. Students who fail to comply with District rules as stated in the Student Code of Conduct are subject to approved discipline and due process procedures. Washington Local administration shall cooperate in any prosecution pursuant to the criminal laws of the State of Ohio and local ordinances.

After receiving a properly documented form from a teacher, the principal or his/her designee will be responsible for discipline measures. Emergency cases will receive prompt attention with the referral form to follow.

Penalties for violation of the Student Code of Conduct may result in detention, Saturday School, in-school suspension, out-of-school suspension, and/or expulsion, depending upon the severity and repetitiveness of the violation.

Detention is a requirement to spend additional time before or after school for a student violation of the conduct code. Saturday School is a three (3) hour detention conducted on Saturdays.

In-School Reassignment is an exclusion from regular class. Students will be assigned to an alternative program by the principal or his/her designee. Teachers will provide students with academic assignments to be completed for credit.

Out-of-School suspension is an exclusion from school or class assigned by the principal or his/her designee. Students are not to be on the school's grounds while under out-of-school suspension.

Expulsion is the exclusion from school for an extended period of time. A student is not to be on school grounds or participate in school activities while under expulsion. No credit will be granted for work missed as a result of expulsion.

A student may be suspended out-of-school for a maximum of ten (10) days and/or be expelled for a period up to eighty (80) days for individual and/or cumulative violations of the code of conduct. Expulsions can be extended to a calendar year for certain violations allowed by statute.

Except for severe classroom violations, a suspension alternative may be offered, as available, at the discretion of the principal or his/her designee. Restitution and/or confiscation may result where appropriate.

The Student Code of Conduct includes, but is not limited to, the following Board policies:

5501	Zero Tolerance
5513	Care of School Property
5514	Student Use of Computers, Network, or Internet
5516	Student Hazing
5517	Sexual and Other Forms of Harassment
5530	Alcohol, Drug, Tobacco Use and Prevention
5600	Student Discipline
5601	Transportation Rules of Conduct
5610	Removal, Suspension, Expulsion, and Permanent Exclusion of Students
5610.03	Emergency Removal of Students
5610.04	Suspension of Bus Riding/Transportation Privileges
5610.05	Participation in Extra-Curricular Activities
5611	Due Process Rights
5722	School-Sponsored Publications and Productions
5771	Search and Seizure
5772	Dangerous Weapons

The Student Code of Conduct is distributed to students and parents annually and is posted in each school building.

### **Speech and Assembly**

- A. In the exercise of freedom of speech, students shall have due regard for the rights of others. The use of profanity, obscenities, or personal attacks is prohibited.
- B. All student meetings in school buildings or on school grounds may function only as a part of the formal educational process or as authorized by the principal and supervised by staff members and/or advisors.
- C. Conducting demonstrations which interfere with the operation of the school or classroom is inappropriate and prohibited.

## 5501- ZERO TOLERANCE

Respect for law and for persons in authority shall be expected of all students, including conformity to school rules as well as general provisions of law affecting students. Respect for the rights and property of others, consideration of their privileges, and cooperative citizenship shall be expected of all members of the school community. The Board has zero tolerance of violent, disruptive, or inappropriate behavior by its students.

Students may be subject to discipline for violation of the Code of Conduct if that conduct occurs on property not owned or controlled by the Board but that is connected to activities or incidents that have occurred on property owned or controlled by the Board, or conduct that, regardless of where it occurs, is directed at a Board official or employee, or the property of such official or employee.

Student conduct shall be governed by the rules and provisions of the Code of Conduct and Athletic-Activity Code.

Legal R.C. 3313.20, 3313.534, 3313.66, 3313.661

## 5513- CARE OF SCHOOL PROPERTY

Students are responsible for the proper care of school property, supplies, and equipment entrusted to their use.

Students who cause damage to school property shall be subject to disciplinary measures, and their parents/guardians shall be financially liable for such damage to the extent of the law, except that students eighteen (18) years or of age or older shall also be liable for damage they cause.

The Board authorizes the imposition of fines for the loss, damage or destruction of school equipment, apparatus, musical instruments, library material, textbooks, and for damage to school buildings or grounds and reserves the right, to the extent permitted by law (see Policy 6152), to withhold a report card or credits from any student whose payment of fines is in arrears.

The District may report to the appropriate authorities any student whose damage of school property has been serious or chronic in nature.

A reward may be offered by the District for the apprehension of any person who vandalizes school property.

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## 5514- STUDENT USE OF COMPUTERS, NETWORK, OR INTERNET

Student access to and use of the Network (computers, District Intranet, electronic mail, electronic bulletin boards, and information sharing) and the Internet is a privilege intended for educational purposes. This access is intended to assist in collaboration and exchange of information, facilitate personal growth in the use of technology, and enhance information-gathering and communication skills. The District has implemented technology protection measures which block/filter Internet access to inappropriate displays.

### **District protection/safety software and/or hardware will be utilized to:**

- A. monitor online student activity
- B. restrict student access to material that is obscene, objectionable, inappropriate, or harmful to minors
- C. prohibit unauthorized access (hacking) and other unlawful activities by students
- D. prohibit disclosure of personal identification information of minors

### **Parents/guardians are advised that:**

- A. all Internet users (students and their parents if students are minors) are required to sign an agreement to abide by terms of this policy and administrative guidelines;
- B. before students are permitted access to the Network and Internet, they and their parents will be required to read acceptable use guidelines and sign user agreements;
- C. student computer users may be able to gain access to services on the Internet that have not been authorized for educational purposes;
- D. they assume risks by allowing their children to participate in Internet use;
- E. they are responsible for setting and conveying standards that their children should follow when using the Internet;
- F. student users (or their parents/guardians if students are minors) assume personal responsibility and liability, civil and criminal, for uses of the Internet not authorized by the District policy and administrative guidelines

### **Misuse by students shall include but not be limited to:**

- A. copyright infringement
- B. unauthorized copying of any hardcopy material or software

- C. deletion of computer files

### **Student Use of Computers, Network, or Internet**

- A. Knowingly introducing computer viruses.
- B. Unauthorized entry into school computers, sites, or information databases.
- C. Intentionally seeking information on other users.
- D. Obtaining copies of or modifying files, data, or passwords of other users.
- E. Improper or inappropriate use of computers including, but not limited to, accessing information unrelated to school purposes or activities.
- F. Students misrepresenting themselves or other users on the Network or Internet.
- G. Malicious use of Network or Internet through hate mail, harassment, profanity, or discriminatory remarks.
- H. Disrupting Network operation through abuse of hardware or software.

Any misuse of the Network or the Internet will result in suspension of privileges and/or other disciplinary action including but not limited to detention, suspension, and expulsion.

Administrative guidelines shall address student safety and security while using e-mail, chat rooms and other forms of direct electronic communications.

## **5516- STUDENT HAZING**

Hazing activities of any type shall be prohibited at all times in school facilities, on school property, and at any school-sponsored events. No employee of the school district shall encourage, permit, condone, or tolerate any hazing activities. No student, including leaders of student organizations, shall plan, encourage, or engage in any hazing.

Hazing is understood to mean any act or coercing another, including the victim, to do any act of intimidation to any student or other organization that causes or creates a substantial risk of causing mental or physical harm to any person. Permission, consent, or assumption of risk by an individual subjected to hazing does not lessen the prohibition contained in this policy.

All employees of the school district shall be particularly alert to possible situations, circumstances, or events which might include hazing. If hazing or planned hazing is discovered, it shall be reported immediately to the building principal/supervisor, who will then notify the Superintendent.

Employees and/or students who fail to abide by this policy may be liable for civil and criminal penalties in accordance with Ohio law.

## 5517- ANTI-HARASSMENT

### **General Policy Statement**

It is the policy of the Board of Education to maintain an education and work environment that is free from all forms of unlawful harassment, including sexual harassment. This commitment applies to all School District operations, programs, and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment. This policy applies to unlawful conduct occurring on school property, or at another location if such conduct occurs during an activity sponsored by the Board.

The Board will vigorously enforce its prohibition against discriminatory harassment based on race, color, national origin, sex (including sexual orientation and transgender identity), disability, age (except as authorized by law), religion, ancestry, or genetic information (collectively, "Protected Classes") that are protected by Federal civil rights laws (hereinafter referred to as unlawful harassment), and encourages those within the School District community as well as third parties, who feel aggrieved to seek assistance to rectify such problems. The Board will investigate all allegations of unlawful harassment and in those cases where unlawful harassment is substantiated, the Board will take immediate steps to end the harassment, prevent its reoccurrence, and remedy its effects. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action.

For purposes of this policy, "School District community" means students, administrators, and professional and classified staff, as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

For purposes of this policy, "third parties" include, but are not limited to, guests and/or visitors on School District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the School District community at school-related events/activities (whether on or off School District property).

**\*\*The complete policy may be accessed online at**

<https://go.boarddocs.com/oh/washlsd/Board.nsf/Public?open&id=policies#>

Revised 3/27/13 © Neola 2018 Legal R.C. 4112.02; 20 U.S.C. 1400 et seq., The Individuals with Disabilities Education Improvement Act of 2004 (IDEIA); 20 U.S.C. 1681 et seq.; 29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967; 29 U.S.C. 794, Rehabilitation Act of 1973, as amended; 29 U.S.C. 6101, The Age Discrimination Act of 1975; 42 U.S.C. 2000d et seq.; 42 U.S.C. 2000e et seq.; 42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended; 42 U.S.C. 1983; National School Boards Association Inquiry and Analysis - May, 2008

## 5530- ALCOHOL, DRUG, TOBACCO USE AND PREVENTION

The Board of Education recognizes that the use and the misuse of alcohol, drugs, tobacco are serious problems with legal, physical, and social implications.



**Covered under this policy:**

- A. all controlled substances as so designated and/or prohibited by Ohio statute;
- B. all substances which release toxic, intoxicating, or mood-altering vapors;
- C. all alcoholic beverages (being under the influence is understood to include the prevalent odor of alcohol);
- D. any prescription or patent drug, except those for which permission to use in school has been granted pursuant to Board policy;
- E. anabolic steroids;
- F. any substance containing betel nut (areca nut);
- G. any substance that is a "look-alike" to any of the above;
- H. tobacco products and alternative nicotine products.

The Board prohibits the use, possession, concealment, or distribution of any of the above substances, or any drug or any drug-related paraphernalia as defined by law, or the use, possession, concealment, or distribution of a product containing a substance that can provide an intoxicating or mood-altering effect while on school grounds, on school vehicles and/or at any school-sponsored event.

Guidelines shall be developed for the identification, amelioration, and regulation of drug use in the schools. Such guidelines shall:

- A. emphasize the prevention of drug, alcohol, and tobacco use;
- B. provide for a comprehensive, age-appropriate, drug and alcohol education and prevention program which:
  - 1. addresses the legal, social, psychological, and health consequences of drug, tobacco, and alcohol use;
  - 2. provides information about effective techniques for resisting peer pressure to use illicit drugs and alcohol;
  - 3. assists students in developing skills to make responsible decisions about substance abuse and other important health issues;
  - 4. promotes positive emotional health, self-esteem, and respect for one's body;

5. meets the minimal objectives as stated in the essential performance objectives for health education as established by the State Department of Education;
- C. include a procedure for informing students that the use of illicit drugs and the unlawful possession and use of alcohol is wrong and harmful;
- D. provide standards of conduct that are applicable to all students and which clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students on school premises or as a part of any school activity;
- E. include a clear statement that disciplinary sanctions, up to and including expulsion and referral for prosecution, will be imposed on students who violate the school standards of conduct and a description of those sanctions;

The sanctions may include, together with punitive action, voluntary referral to appropriate persons or agencies for screening and assessment. Such referral may only be made to qualified and properly licensed individuals or programs.

- F. provide information about any drug and alcohol counseling and rehabilitation and reentry programs available to students and provide procedures to direct students and their parents/guardians to the appropriate programs;
- G. require that all parents/guardians and students be given a copy of the standards of conduct regarding the unlawful possession, use, or distribution of illicit drugs and alcohol by students;
- H. require the notification to parents and students that compliance with the standards of conduct is mandatory;
- I. provide a periodic review of the District's program to determine its effectiveness and implement changes as needed and to ensure that disciplinary sanctions are consistently enforced;
- J. establish means for dealing with students suspected of drug use or suspected of possessing or distributing drugs in school and ensure that the District's policy and administrative guidelines on Search and Seizure (5771), Suspension and Expulsion (5610), and Permanent Exclusion (5610.01) are complied with fully.

In order to protect students and staff, the Board prohibits the possession, consumption, purchase or attempt to purchase and/or use of tobacco products or alternative nicotine products by students in school buildings, on school grounds, on school vehicles, and at any interscholastic competition, extra-curricular event, or other school-sponsored activity. The same restrictions apply to clove cigarettes or other substances intended or prepared for smoking.

Use of tobacco products presents a health hazard which can have serious consequences for the user and nonuser. Use of tobacco products shall mean all uses of tobacco, including cigarettes, cigars,

pipe tobacco, chewing tobacco, snuff or any other matter or substances that contain tobacco, in addition to papers used to roll cigarettes and alternative nicotine products.

Revised 4/19/06; Revised 4/16/14

© Neola 2017 Legal R.C. 2925.37, 3313.60(E), 3313.661, 3313.662, 3313.752, 3313.95, 3319.012; R.C. 3313.66, 3313.751, 2151.87; Public Law 101 - Drug-Free Schools and Communities Act of 1986; 20 U.S.C. 3171 et seq.; 20 U.S.C. 3224A

## 5600- STUDENT DISCIPLINE

The Board of Education acknowledges that conduct is closely related to learning - an effective instructional program requires an orderly school environment and the effectiveness of the educational program is, in part, reflected in the behavior of students.

The Board believes that the best discipline is self-imposed and that students should learn to assume responsibility for their own behavior and the consequences of their actions. The Board has zero tolerance of violent, disruptive or inappropriate behavior by its students.

The Board shall require each student of this District to adhere to the Student Code of Conduct adopted by the Board and to submit to such disciplinary measures as are appropriately assigned for infraction of those rules. Such rules shall require that students:

- A. conform to reasonable standards of socially-acceptable behavior;
- B. respect the person and property of others;
- C. preserve the degree of order necessary to the educational program in which they are engaged;
- D. respect the rights of others;
- E. obey constituted authority and respond to those who hold that authority.

The Student Code of Conduct designates sanctions for the infractions of rules, excluding corporal punishment, which shall:

- A. relate in kind and degree to the infraction;
- B. help the student learn to take responsibility for his/her actions;
- C. be directed, where possible, to reduce the effects of any harm which may have been caused by the student's misconduct.

Students may be prohibited by authorized school personnel from participating in all or part of co-curricular and/or extra-curricular activities without further notice, hearing or appeal rights. A

student who has been disorderly on a school bus may be suspended from transportation services consistent with Board policy and the Student Code of Conduct.

The Superintendent shall publish to all students and their parents the rules of this District regarding student conduct and the sanctions which may be imposed for breach of those rules.

The Superintendent shall inform the Board periodically of the methods of discipline imposed by this District and the incidence of student misconduct in such degree of specificity as shall be required by the Board.

The Superintendent, principals, and other administrators shall have the authority to assign discipline to students, subject to the Student Code of Conduct and, where required by law, to the student's due process right to notice, hearing, and appeal.

Teachers, school bus drivers, and other employees of this Board having authority over students may take such action as may be necessary to control the disorderly conduct of students in all situations and in all places where such students are within the jurisdiction of this Board and when such conduct interferes with the educational program of the schools or threatens the health and safety of others.

Discipline on Board vehicles shall be the responsibility of the driver on regular bus runs. When Board vehicles are used for field trips and other Board activities, the teacher, coach, advisor, or other Board employee shall be responsible for student discipline. If a student becomes a serious discipline problem on a vehicle, the Superintendent and/or his/her designee may suspend the transportation privileges of the student providing such suspension conforms with due process. The procedures for suspension are set forth in the Student Code of Conduct and Board Policy 5611 – Due Process Rights.

No student is to be detained after the close of the regular school day unless the student's parent has been contacted and informed that the student will be detained. If a parent cannot be contacted, the student should be detained on another day.

Legal R.C. 3313.20, 3313.66, 3313.661, 3315.07, 3327.041; A.C. 3301-35-03(G), 3301-83-08

## 5601- TRANSPORTATION RULES OF CONDUCT

### **Student Conduct**

- A. The bus driver has the authority, granted by the State Legislature of Ohio, to use any of the classroom techniques of maintaining order and discipline on the school bus.
- B. All Jefferson, Washington, and Whitmer students must show I.D. cards upon request of driver, or be denied entry onto the bus.

- C. Seats may be assigned by driver to maintain order, and for evacuation purposes. Students may be required to sit three (3) to a seat and no standees shall be permitted. Students shall enter the bus in an orderly manner and immediately sit in an empty or assigned seat.
- D. No one shall smoke or produce a flame of any kind while students are on or in the vicinity of the school bus.
- E. Sale, use or possession of alcoholic beverages or of illegal drugs or mind- altering substances are strictly prohibited from school buses.
- F. No one shall bring knives, cap guns, squirt guns, or any other object (including but not limited to rubber bands, snow balls, paper clips, etc.) that might serve as weapons or anything of a detrimental nature aboard the bus.
- G. Absolute quiet must be maintained at railroad crossings or other danger areas. Noise on a bus shall be kept at a minimum at all times to assure the safety of operation.
- H. Nothing shall be thrown out of the bus, nor shall anything be held so that it extends out of the window. All parts of the riders' bodies shall be kept inside the school bus at all times.
- I. Eating and littering are not permitted on buses.
- J. Violation of any of the foregoing rules of conduct or any other provision of this policy may result in any one of the following actions:
  - 1. Conference between the building principal and the students with a student misconduct form mailed to the parent/guardian.
  - 2. Conference requiring the presence of the student's parents/guardians upon written request by the building principal.
  - 3. Temporary suspension of bus riding privileges.
  - 4. Suspension of bus riding privileges for remainder of the semester/term or a minimum of thirty (30) school days.
  - 5. When there is evidence of destruction or defacing of school property, the student will lose bus riding privileges for the remainder of the school year. Complete restitution for the damages will be made by the student or parent. Court action may be necessary to assure full restitution.
  - 6. In the event there is physical reaction to the driver (e.g. striking, kicking, pushing, or threatening with any weapon including fist), the student will be immediately suspended from the school bus.

## 5610- REMOVAL, SUSPENSION, EXPULSION, AND PERMANENT EXCLUSION OF STUDENTS

Exclusion from the educational program of the district, whether by emergency removal, out-of-school suspension, expulsion, or permanent exclusion, is the most severe sanction that can be imposed on a student, and one that requires due process. However, the Board has zero tolerance of violent, disruptive or inappropriate student behavior.

No student is to be removed, suspended out-of-school, expelled and/or permanently excluded unless the behavior represents misconduct as specified in the Student Code of Conduct. The Code shall specify the procedures to be followed by school officials when implementing such discipline. In addition to the procedural safeguards and definitions set forth in this policy and the student/parent handbook, additional procedures and considerations shall apply to students identified as disabled under the IDEA, ADA, and/or Section 504 of the Rehabilitation Act of 1973. (See Policy 5605, "Suspension/Expulsion of Students with Disabilities").

Students may be subject to discipline for violation of the Student Code of Conduct even if that conduct occurs on property not owned or controlled by the Board but where such conduct is connected to activities or incidents that have occurred on property owned or controlled by the Board, or conduct that, regardless of where it occurs, is directed at a district official or employee, or the property of such official or employee.

For purposes of this policy and the Student Code of Conduct/Student Discipline Code, the following shall apply:

- A. **"Emergency removal"** shall be the exclusion of a student whose conduct poses a continuing danger to District property or persons in the District or whose behavior presents an on-going threat of disrupting the educational process: (See Policy 5610.03 "Emergency Removal).
- B. **"Suspension"** shall be the temporary exclusion of a student by the Superintendent, principal, associate principal, or any other administrator for a period not to exceed ten (10) school days. Suspension shall not extend beyond the current school year if, at the time a suspension is imposed, fewer than ten (10) days remain in the school year.

The Superintendent may instead require a student to participate in a community service program or another alternative consequence for a number of hours equal to the remaining part of the period of the suspension. The student shall be required to begin such a community service program or alternative consequence during the first full weekday of summer break.

In the event, the student fails to complete the required community service or the assigned alternative consequence, the Superintendent may determine the next course of action. Such course of action, however, shall not include requiring the student to serve the remaining time of the suspension at the beginning of the following year.

The procedures for suspension are set forth in the Student Code of Conduct/Student Discipline Code and Policy 5611 - Due Process Rights.

A student who is suspended shall be permitted to complete any classroom assignments missed because of the suspension, and receive at least partial credit for a completed assignment. Grade reductions on account of the student's suspension are permitted; however, no student may receive a failing grade on a completed assignment solely on account of his/her suspension.

The grade for a completed classroom assignment missed because of a suspension will be reduced by ten percent (10%).

- C. **"Expulsion"** shall be the exclusion of a student from the schools of this District for a period not to exceed the greater of eighty (80) school days or the number of school days remaining in a semester or term in which the incident takes place or for one (1) year as specifically provided in this policy and the Student Code of Conduct. Only the Superintendent may expel a student. The procedures for expulsion are set forth in the Student Code of Conduct and Board Policy 5611 "Due Process Rights:"

**1. Firearm or Knife**

Unless a student is permanently excluded from school, the Superintendent shall expel a student from school for a period of one (1) year for bringing a firearm or knife capable of causing serious bodily injury to a school building or on to any other property (including a school vehicle) owned, controlled, or operated by the Board, to an interscholastic competition, an extra-curricular event, or to any other school program or activity that is not located in a school or on property that is owned or controlled by the Board; except that the Superintendent may reduce this period on a case-by-case basis in accordance with this policy. The Superintendent shall expel a student from school for a period of one (1) year for possessing a firearm or knife capable of causing serious bodily injury at school or on any other property (including a school vehicle) owned, controlled, or operated by the Board, at interscholastic competition, an extra-curricular event, or at any other school program or activity that is not located in a school or on property that is owned or controlled by the Board; the Superintendent may reduce this period on a case-by-case basis in accordance with this policy. In compliance with federal law, the Superintendent shall also refer any student expelled for possession of a firearm to the criminal justice or juvenile delinquency system serving the District.

A firearm is defined as any weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, the frame or receiver of any such weapon, any firearm muffler or silencer, or any destructive device. A destructive device, includes, but is not limited to any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four (4) ounces, missile having an explosive or

incendiary charge of more than one-quarter (1/4) ounce, mine, or other similar device.

A knife capable of causing serious bodily injury is defined as any weapon or cutting instrument consisting of a blade fastened to a handle; a razor blade; or any similar device (including sharp, metal martial arts weapons such as a ninja throwing stars) that is used for, or is readily capable of, causing death or serious bodily injury.

The Superintendent may, in his/her judgment and discretion, reduce such expulsion to a period of less than one (1) year, on a case-by-case basis, for the following reasons:

- a. for students identified as disabled under the IDEA, ADA, and/or Section 504 of the Rehabilitation Act of 1973, a recommendation from the group of persons knowledgeable of the student's educational needs;
- b. the student was unaware that s/he was possessing a firearm or knife capable of causing serious bodily injury;
- c. the student did not understand that the item s/he possessed was considered a firearm or knife;
- d. the student brought the item to school as part of an educational activity and did not realize it would be considered a firearm or knife;
- e. other extenuating circumstances.

## **2. Violent Conduct**

If a student commits an act at school, on other school property, at an interscholastic competition, extra-curricular event, or any other school program or activity and the act:

- a. would be a criminal offense if committed by an adult; and
- b. results in serious physical harm to person(s) as defined in Revised Code Section 2901.01(A)(5), or to property as defined in Revised Code Section 2901.01(A)(6)

The Superintendent may expel the student for a period of up to one (1) year. The Superintendent may extend the expulsion into the next school year or reduce the expulsion as necessary on a case-by-case basis as specified below. The student need not be prosecuted or convicted of any criminal act to be expelled under this provision.

The Superintendent may, in his/her judgment and discretion, reduce such expulsion



to a period of less than one (1) year, on a case-by-case basis, for the following reasons:

- a. for students identified as disabled under the IDEA, ADA, and/or Section 504 of the Rehabilitation Act of 1973, a recommendation from the group of persons knowledgeable of the student's educational needs; or
- b. other extenuating circumstances.

If at the time of the expulsion, there are fewer days remaining in the school year than the number of days of the expulsion, the Superintendent may apply any or all of the remaining period to the following school year.

### **3. Bomb Threats**

If a student makes 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 Superintendent may expel the student for a period of up to one (1) year. The Superintendent may extend the expulsion into the next school year or reduce the expulsion as necessary on a case-by-case basis as specified below. The student need not be prosecuted or convicted of any criminal act to be expelled under this provision.

The Superintendent may, in his/her judgment and discretion, reduce such expulsion to a period of less than one (1) year, on a case-by-case basis, for the following reasons:

- a. for students identified as disabled under the IDEA, ADA, and Section 504 of the Rehabilitation Act of 1973, upon recommendation from the group of persons knowledgeable of the student's educational needs; or
- b. other extenuating circumstances.

If at the time of the expulsion, there are fewer days remaining in the school year than the number of days of the expulsion, the Superintendent may apply any or all of the remaining period to the following school year. This policy encompasses all look-alike items, false fire reports or alarms, bomb threats, or intentional calls to falsely report a dangerous condition.

**D. "Permanent exclusion"** shall mean the student is banned forever from attending a public school in the State of Ohio. (See Policy 5610.01)

If a student is expelled for more than twenty (20) school days or for any period of time that extends into the next school year, the Superintendent shall provide the student and his/her parents/guardians with the names, addresses, and telephone numbers of those public or private agencies in the community which offer programs or services that help to rectify the student's behaviors and attitudes that contributed to the incident(s) that caused the expulsion.

### **Suspension or Expulsion of Students in Grades Pre-Kindergarten through 3**

Beginning with the 2019-2020 school year, except as permitted by law, suspension or expulsion proceedings shall not be initiated against a student in any of grades Pre-kindergarten through three unless the student has committed the following acts:

- A. The student brings a firearm or knife capable of causing serious bodily injury to a school building or on to any other property (including a school vehicle) owned, controlled, or operated by the Board, to an interscholastic competition, an extra-curricular event, or to any other school program or activity that is not located in a school or on property that is owned or controlled by the Board, or possesses a firearm or knife capable of causing serious bodily injury at school or on any other property (including a school vehicle) owned, controlled, or operated by the Board, at interscholastic competition, an extra-curricular event, or at any other school program or activity that is not located in a school or on property that is owned or controlled by the Board.
- B. The student commits an act at school, on other school property, at an interscholastic competition, extra-curricular event, or any other school program or activity and the act: 1) would be a criminal offense if committed by an adult; and 2) results in serious physical harm to person(s) as defined in R.C. 2901.01(A)(5), or to property as defined in R.C. 2901.01(A)(6).
- C. The student makes a bomb threat to a school building or to any premises at which a school activity is occurring at the time of the threat.
- D. The student engages in behavior of such a nature that suspension or expulsion is necessary to protect the immediate health and safety of the student, the student's fellow classmates, the classroom staff and teachers, or other school employees.

Prior to suspending or expelling a student in any of grades Pre-K through 3, the Principal shall, whenever possible, consult with a mental health professional under contract. If the events leading up to the student's suspension or expulsion from school indicate that the student is in need of additional mental health services, the student's Principal or the District's mental health professional shall assist the student's parent or guardian with locating providers or obtaining such services, including referral to an independent mental health professional, provided such assistance does not result in a financial burden to the District or the student's school.

If a student in any of grades Pre-K through 3 is suspended or expelled, the student shall be afforded the same notice and hearing, procedural, and educational opportunities as set forth in Board policy and the law. The suspension or expulsion of a student in any of grades Pre-K through 3 shall not limit the Board's responsibilities with respect to the provision of special education and related services to such student in accordance with Board policy and the law. Further, the Board shall not be limited in its authority to issue an in-school suspension to a student in any of grades Pre-K through 3, provided that the in-school suspension is served in a supervised learning environment.

If the Superintendent determines that a student's behavior on a school vehicle violates school rules, the student may be suspended from school bus-riding privileges for the length of time deemed appropriate for the violation and remediation of the behavior. Any such suspension must comply with due process and the Student Code of Conduct.

The Board authorizes the Superintendent to provide for options to suspension/expulsion of a student from school which may include alternative educational options.

The Superintendent shall initiate expulsion proceedings against a student who has committed an act that warrants expulsion under Board policy even if the student withdraws from school prior to the hearing or decision to impose the expulsion. The expulsion must be imposed for the same duration it would have been had the student remained enrolled.

The district may temporarily deny admittance to any student who has been expelled from the school of another Ohio district or an out-of-state district if the student's expulsion period set by the other district has not expired. The expelled student shall first be offered an opportunity for a hearing.

The district may temporarily deny admittance to any student who has been suspended from the school of another Ohio district if the student's suspension period set by the other district has not expired. The suspended student shall first be offered an opportunity for a hearing before the Board/designee.

When a student is expelled from this district, the Superintendent shall send written notice to any college in which the expelled student is enrolled under Postsecondary Enrollment Options at the time the expulsion is imposed. The written notice shall indicate the date the expulsion is scheduled to expire and that the Board has adopted a provision in Policy 2271 under R.C. 3313.613 to deny high school credit for postsecondary courses taken during an expulsion.

If the expulsion is extended, the Superintendent shall notify the college of the extension.

A copy of this policy is to be posted in a central location in each school and made available to students and parents upon request. Key provisions of the policy should also be included in the parent-student handbook.

In matters relating to the discipline of special needs students, the District shall abide by Federal and State laws regarding suspension and expulsion as well as Policy 5610.

Revised 4/19/06    Revised 5/17/17    Revised 1/16/19    © Neola 2019    Legal  
R.C. 2919.222, 3313.534, 3313.649, 3313.66, 3313.661, 3313.662, 3313.663; R.C. 3313.664, 3313.668, 3321.13 (B)(3) and (C),  
3327.014; 18 U.S.C. Section 921; 20 U.S.C. 3351, 20 U.S.C. 7151, 20 U.S.C. 8921

## 5610.03- EMERGENCY REMOVAL OF STUDENTS

If a student's conduct poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process taking place either in a classroom or elsewhere on school premises, the Superintendent, principal, associate principal or supervisor may remove the student

from curricular activities or from the school premises. A teacher may remove the student from curricular activities under the teacher's supervision, but not from the premises. If a teacher makes an emergency removal, the teacher will notify a building administrator of the circumstances surrounding the removal in writing, as soon as practicable. Because such removal is not subject to the normal suspension and expulsion procedures, no prior notice or hearing is required for any removal under this policy.

A due process hearing will be held on the next school day after the removal is ordered. Written notice of the hearing and the reason for the removal and any intended disciplinary action will be given to the student as soon as practical prior to the hearing. If the student is subject to out-of-school suspension, the student will have the opportunity to appear at an informal hearing before the principal/designee and the right to challenge the reasons for the intended suspension or otherwise explain his/her actions. Within one (1) school day of the decision to suspend, written notification will be given to the parent(s)/guardian(s) of the student. This notice will include the reasons for suspension, the right of the student or parent(s)/guardian(s) to appeal to the Board/designee and the student's right to be represented in all appeal proceedings. If it is probable that the student may be subject to expulsion, the hearing on the next school day after the date of the initial removal and will be held in accordance with the procedures outlined in the Policy 5611 – Due Process Rights. The person who ordered or requested the removal will be present at the hearing.

A student in any of grades pre-kindergarten through 3 may be removed only for the remainder of the school day and shall be permitted to return to any curricular and extra-curricular activities on the next school day (following the day in which the student was removed or excluded). When a student in any of grades pre-kindergarten through 3 is removed and returned to his/her curricular and extra-curricular activities the next school day, the Principal is not required to hold a hearing (or provide written notice of same).

The Principal shall not initiate suspension or expulsion proceedings against a student in any grades pre-kindergarten through 3 who was removed unless the student has committed one (1) of the following acts:

- A. The student brings a firearm or knife capable of causing serious bodily injury to a school building or on to any other property (including a school vehicle) owned, controlled, or operated by the Board, to an interscholastic competition, an extra-curricular event, or to any other school program or activity that is not located in a school or on property that is owned or controlled by the Board. Similarly, the Principal can initiate suspension or expulsion proceedings if the student possesses a firearm or knife capable of causing serious bodily injury at school or on any other property (including a school vehicle) owned, controlled, or operated by the Board, at interscholastic competition, an extra-curricular event, or at any other school program or activity that is not located in a school or on property that is owned or controlled by the Board.
- B. The student commits an act at school, on other school property, at an interscholastic competition, extra-curricular event, or any other school program or activity and the act: 1) would be a criminal offense if committed by an adult; and 2) results in serious

physical harm to person(s) as defined in R.C. 2901.01(A)(5), or to property as defined in R.C. 2901.01(A)(6).

- C. The student makes a bomb threat to a school building or to any premises at which a school activity is occurring at the time of the threat.
- D. The student engages in behavior of such a nature that suspension or expulsion is necessary to protect the immediate health and safety of the student, the student's fellow classmates, the classroom staff and teachers, or other school employees.

If the Superintendent or principal reinstates a student prior to the hearing for emergency removal, the teacher may request and will be given written reasons for the reinstatement. The teacher cannot refuse to reinstate the student.

In an emergency removal, a student can be kept from class until the matter of the misconduct is disposed of either by reinstatement, suspension or expulsion.

Revised 1/16/19      © Neola 2019      Legal      R.C. Chapter 2506, 3313.66, 3313.661, 3313.662, 3313.668

## 5610.04- SUSPENSION OF BUS RIDING/TRANSPORTATION PRIVILEGES

Students on buses or other authorized Board of Education transportation vehicles are under the authority of and directly responsible to the bus/vehicle driver. The driver has the authority to enforce the established regulations for student conduct. Disorderly conduct or refusal to submit to the authority of the driver will be sufficient reason for refusing transportation service to any student.

A student may be suspended from riding privileges for all or part of a school year for any violation of established regulations for bus conduct and/or for conduct occurring on the bus/vehicle in violation of the Student Code of Conduct.

Before a suspension from riding privileges is imposed, the Superintendent/designee will provide the student with notice of an intended suspension and an opportunity to appear before the Superintendent/designee. If immediate suspension is warranted, a hearing must be held within seventy-two (72) hours, or as soon as practical. Disciplinary suspension periods will be commensurate with the infraction(s) committed as determined by the administrator.

Any additional guidelines regarding conduct on school buses/vehicles, as well as general information about the school transportation program, will be made available to all parents and students and posted in buildings.

Revised 4/19/06      Legal      R.C. 3319.41, 3327.01, 3327.014; A.C. 3301-83-08

## 5610.05- PARTICIPATION IN EXTRA-CURRICULAR ACTIVITIES

Participation in extra-curricular activities, including interscholastic sports, is a privilege and not a right. Therefore, the Board of Education authorizes the Superintendent, principals, and assistant principals and other authorized personnel employed by the District to supervise or coach a student activity program, to prohibit a student from participating in any particular or all extra-curricular activities of the District for offenses or violations of the Student Code of Conduct for a period not to exceed the remainder of the school year in which the offense or violation of the Student Code of Conduct took place.

In addition, student athletes are further subject to the Athletic Code of Conduct and may be prohibited from participating in all or part of any interscholastic sport for violations therein.

Students prohibited from participation in all or part of any extra-curricular activity are not entitled to further notice, hearing, or appeal rights.

This policy shall be posted in a central location in each school building and will be available to students upon request.

Legal R.C. 3313.664

## 5611- DUE PROCESS RIGHTS

The Board of Education recognizes that students have limited constitutional rights when it comes to their education.

Accordingly, the Board establishes the following procedures:

### **A. Student subject to suspension:**

When a student is being considered for an out-of-school suspension by the Superintendent, principal, or other administrator:

1. The student will be informed in writing of the potential suspension and the reasons for the proposed action.
2. The student will be provided an opportunity for an informal hearing to challenge the reason for the intended suspension and to explain his/her actions.
3. An attempt will be made to notify parents or guardians by telephone if a suspension is issued.
4. Within one (1) school day of the suspension the Superintendent, principal, or other administrator will notify the parents, guardians, or custodians of the student. The notice will include the reasons for the suspension and the right of the student,

parent, guardian, or custodian to appeal to the Board or its designee; the right to be represented at the appeal. If the offense is one for which the District may seek permanent exclusion, then the notice will contain that information.

5. Notice of this suspension will also be sent to the:
  - a. Superintendent;
  - b. student's school record (not for inclusion in the permanent record).
6. If a student leaves school property without permission immediately upon violation (or suspected violation) of a provision of the Student Code of Conduct or prior to an administrator conducting an informal hearing as specified above, and the student fails to return to school on the following school day, the principal, assistant principal, Superintendent, or any other administrator, may send the student and his/her parent(s)/guardian(s) notice of the suspension, and offer to provide the student and/or his/her parents an informal hearing upon request to discuss the reasons for the suspension and to allow the student to challenge the reasons and to explain his/her actions, any time prior to the end of the suspension period.

#### **Appeal of Suspension to the Board or its designee**

The student who is eighteen (18) or older or the student's parent(s) or guardian(s) may appeal the suspension to the Board or its designee. They may be represented in all such appeal proceedings.

A verbatim record will be kept of the hearing which may be held in executive session at the request of the student, parent, or guardian, if held before the Board.

The procedure to pursue such appeal will be provided in regulations approved by the Superintendent. Notice of appeal must be filed with the Treasurer or the Superintendent within five (5) school days of the notice to suspend.

While a hearing before the Board may occur in executive session, the Board must act in public.

#### **Appeal to the Court**

Under Ohio law, appeal of the Board's or its designee's decision may be made to the Court of Common Pleas.

#### **B. Students subject to expulsion:**

When a student is being considered for expulsion by the Superintendent:

1. The Superintendent will give the student and parent, guardian written notice of the intended expulsion, including reasons for the intended expulsion.
2. The student and parent or representative have the opportunity to appear before the Superintendent or designee to challenge the proposed action or to otherwise explain the student's actions. The written notice will state the time and place to appear, which must not be earlier than three (3) school days nor later than five (5) school days after the notice is given, unless the Superintendent grants an extension upon request of the student or parent.
3. Within one (1) school day of the expulsion, the Superintendent will notify the parents, guardians of the student and Treasurer of the Board. The notice will include the reasons for the expulsion and the right of the student, parent, guardian to appeal to the Board or its designee; the right to be represented at the appeal. If the offense is one for which the District may seek permanent exclusion, then the notice will contain that information.

### **Appeal of Expulsion to the Board**

A student who is eighteen (18) or older or a student's parent(s) or guardian(s) may appeal the expulsion by the Superintendent to the Board or its designee. They may be represented in all such appeal proceedings and will be granted a hearing before the Board or its designee.

A verbatim record will be kept of the hearing which may be held in executive session at the request of the student, parent, or guardian, if it is held before the Board.

The procedure to pursue such appeal will be in accordance with regulations approved by the Superintendent. Notice of intent to appeal must be filed within ten (10) school days of the Superintendent's decision to expel to the Board directly or through the Superintendent's office. While a hearing before the Board may occur in executive session, the Board must act in public.

### **Appeal to the Court**

Under State law, the decision of the Board or its designee may be further appealed to the Court of Common Pleas.

### **C. Students subject to emergency removal:**

Students whose conduct warrants emergency removal shall be dealt with in accordance with the rights and procedures outlined in Policy 5610.03 – Emergency Removal.

### **D. Students subject to permanent exclusion:**

Students whose conduct is that for which permanent exclusion is warranted shall be dealt with in accordance with the rights and procedures outlined in Policy 5610.01 –



Permanent Exclusion of Nondisabled Students.

**E. Students subject to suspension from bus riding/transportation privileges:**

Students whose conduct warrants suspension from bus riding and/or transportation services shall be dealt with in accordance with the rights and procedures outlined in Policy 5610.04 - Suspension of Bus Riding/Transportation Privileges.

All members of the staff shall use the above procedures when dealing with students. In addition, this statement of due process rights is to be placed in all student handbooks in a manner that will facilitate understanding by students and their parents.

These procedures shall not apply to in-school disciplinary alternatives including in-school reassignments. An in-school reassignment is one served entirely in a supervised learning environment within a school setting. Nor shall these disciplinary alternative procedures apply to students who are prohibited by authorized school personnel from all or part of their participation in co-curricular, interscholastic, and/or noninterscholastic extra-curricular activities.

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## 5722- SCHOOL-SPONSORED PUBLICATIONS AND PRODUCTIONS

**Publications:**

- A. Publications recognized by the school are under the control of the school. These would include the student newspaper, yearbooks and literary publication approved by the administration and supervised by a staff advisor.
- B. The faculty advisor/teacher shall advise on matters of style, grammar, format, acceptable journalistic/literary practices and suitability of material. The advisor/teacher acts as the principal's designee for the publication. Disputes and/or questionable material(s) are to be brought to the principal's attention prior to publication. Final decisions as to suitability of material rests with the principal.
- C. Articles that threaten to disrupt the educational process; threaten persons or groups; advocate racial, religious or sex discrimination; advocate violation of law or school regulations; are considered false, libelous or slanderous; are profane, obscene or sexually suggestive; and/or advocate the illegal use of alcohol and/or illegal drugs will be strictly prohibited.

The Board also prohibits publications which:

- A. fail to identify the student or organization responsible for distribution;

- B. solicit funds for nonschool organizations or institutions when such solicitations have not been approved by the Board;
- C. promote or oppose any candidate for election to the Board of Education.

Legal R.C. 3313.20

## 5771- SEARCH AND SEIZURE

School authorities are charged with the responsibility for the safety and well-being of the students and staff. In the discharge of that responsibility, school authorities may search the person or property, including vehicles parked on district property, of a student, with or without the student's consent, whenever they reasonably suspect that the search is required to discover evidence of a violation of law or of school rules. The extent of the search will be governed by the seriousness of the alleged infraction and the student's age.

This authorization to search shall also apply to all situations in which the student is under the jurisdiction of the Board.

Administrators are permitted to conduct a random search of any student locker and its contents at any time, provided proper notice has been posted in the locker areas of each building.

The Board acknowledges the need for in-school storage of student possessions and shall provide storage places, including desks and lockers, for that purpose. Such spaces remain the property of the Board and, in accordance with law, may be the subject of random search. Where locks are provided for such places, students may lock them against incursion by other students, but in no such places shall students have an expectation of privacy as to prevent examination by a school official. The Board directs a routine inspection at least annually of all such storage places.

The Board of Education recognizes that the privacy of students and their belongings may not be violated by unreasonable search and seizure and directs that no student be searched without reasonable suspicion or in an unreasonable manner.

Search of a student's person shall be conducted by school officials of the student's gender, in the presence of a staff member of the same gender, and only in exceptional circumstances when the health or safety of the student or of others is immediately threatened.

Administrators are authorized to arrange for the use of a breath-test instrument for the purpose of determining if a student has consumed an alcoholic beverage. It is not necessary for the test to determine blood-alcohol level, since the Board has established a zero tolerance for alcohol use.

The Board also authorizes the Superintendent to determine the use of canines, trained in detecting the presence of drugs or devices, when the Superintendent has reasonable suspicion that illegal drugs or devices may be present in a building. This means of detection shall be used only to determine the presence of drugs in locker areas and other places on school property where such substances could be concealed. Canine detection must be conducted in collaboration with law

enforcement authorities or with organizations certified in canine detection and is not to be used to search individual students unless a warrant has been obtained prior to the search.

Except as provided below, a request for the search of a student or a student's possessions will be directed to the principal/designee who shall seek the freely offered consent of the student to the inspection. Whenever possible, a search will be conducted by the principal/designee in the presence of the student and a staff member other than the principal/designee. A search prompted by the reasonable belief that health and safety are immediately threatened will be conducted with as much speed and dispatch as may be required to protect persons and property.

The principal/designee shall be responsible for the prompt recording in writing of each student search, including the reasons for the search; information received that established the need for the search and the name of informant, if any; the persons present when the search was conducted; any substances or objects found; and the disposition made of them. The principal/designee shall be responsible for the custody, control, and disposition of any illegal or dangerous substance or object taken from a student.

Legal R.C. 3313.20; U.S. Constitution, 4th Amendment

## 5772- DANGEROUS WEAPONS

The Board of Education will not tolerate the possession of weapons or other devices designed to inflict serious bodily harm. No student shall, on school property, in any school vehicle, at any interscholastic competition, extracurricular event, or at any other program or activity sponsored by the school district or in which the district is a participant, (regardless of location), bring, transport, possess, handle, carry, use or conceal any firearm, knife or dangerous weapon. Students who violate this policy shall be subject to discipline, including suspension, expulsion, removal and/or permanent exclusion from school.

Firearm shall mean any weapon (including a starter gun) which is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer or any destructive device. "Destructive device" includes any explosive, incendiary or poisonous gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine or device similar to any of the devices described above.

Knife shall mean a weapon or cutting instrument consisting of a blade fastened to a handle; a razor blade; or any similar device (including sharp, metal martial arts weapons such a ninja throwing stars) that is used for, or is readily capable of, causing death or serious bodily injury. Knives which are brought to school for educational purposes and with the express written prior approval of a building administrator are exempt from this provision.

If a student is suspended, expelled, removed or permanently excluded from school for misconduct involving a weapon as defined herein, the Superintendent shall notify the Registrar of Motor Vehicles and the Lucas County Juvenile Court within two weeks after the discipline is imposed.

This prohibition shall also encompass such actions as look-alike items, false fire alarms, bomb threats, or intentional calls to falsely report a dangerous condition.

This policy shall be implemented through the Code of Conduct/Student Discipline Code, Policy 5610, and Policy 5610.01, and through administrative guidelines.

Instructional programs shall include information on the dangers of weapons and the requirement that students immediately report knowledge of dangerous weapons and threats of violence by students and/or staff to a school employee and will emphasize that failure to report such knowledge may subject the student to discipline up to and including suspension and expulsion from school.

If a dangerous weapon is found or is suspected to be in the possession of any person on school property or at school-sponsored events, the appropriate law enforcement agency shall be contacted.

Legal R.C. 3313.20, 3313.66, 3313.661, 18 USC 921, 20 USC 8922