

### **STUDENT DISCIPLINE**

#### **(Expulsion, Suspension, Emergency Removal, Permanent Exclusion, and Alternative Discipline)**

During the time of suspension, expulsion, or removal, the student (if he/she is eighteen (18) years of age or older) and/or the parents, guardians, or custodian are responsible for the conduct of the individual. While suspended, expelled, or removed from school, students are not permitted to attend or participate in curricular or extracurricular activities, or be on school property for any reason unless a prior appointment has been made with school officials. If a student is removed only from a particular class or activity, the student may not attend the class or participate in the activity for the duration of the removal.

A suspension or expulsion shall result in the student's total removal from the education program. Credit will not be given for work missed due to out-of-school suspension. For an in-school suspension, credit will be given for all classroom assignments that can be completed during the in-school suspension or as homework if the student collects the assignments.

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.

A student who is suspended or expelled from the Joint Vocational School District is also to be regarded as suspended or expelled from the School District.

#### A. Definitions

1. Suspension is defined as the denial to a student for a period of at least one (1) but not more than ten (10) school days of permission to attend school and to take part in any school function.
2. Expulsion is defined as the denial to a student of permission to attend school and to take part in any school function, for a period exceeding ten (10) school days but not exceeding the greater of eighty (80) school days, or one (1) year in certain circumstances, or the number of school days remaining in the semester or term in which the incident that gives rise to the expulsion takes place, unless the expulsion is extended pursuant to O.R.C. §3313.66(F).
3. Emergency Removal is defined as the denial to a student whose presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process taking place either within a classroom or elsewhere on the school premises.

4. Disciplinary Removal is an action less severe than suspension, expulsion, or emergency removal and defined as the denial to a student of permission to attend the classes in which he/she is enrolled, or participate in an extracurricular activity in which he/she has been involved, for a period of less than one (1) school day.
5. Permanent Exclusion means the prohibition of an pupil forever from attending any public school in this state that is operated by a city, local, exempted village, or joint vocational school district.

B. Expulsion

1. The Superintendent is the only school administrator who may expel a pupil.
2. Whenever an incident occurs that may lead to an expulsion, the principal may suspend a student prior to the expulsion hearing.
3. The Superintendent shall give the pupil and his/her parent, guardian, or custodian written notice of the intention to expel the pupil and provide the pupil and his/her parent, guardian, custodian, or representative an opportunity to appear before the Superintendent or designee to challenge the reasons for the intended expulsion or otherwise explain his/her actions. The notice must include:
  - a. The reason(s) for the intended expulsion.
  - b. Notification of the right of the pupil and the parent, guardian, custodian or representative to appear on request before the Superintendent or designee to challenge the reason(s) for the intended expulsion or to otherwise explain the pupil's action. This hearing cannot be compelled by the administrator. The Superintendent or designee may utilize the service of counsel if deemed appropriate.
  - c. The date, time and place to appear must not be earlier than three (3) nor later than five (5) school days after the notice is given unless the Superintendent grants an extension of time. Whenever a student has attained eighteen (18) years of age, the right accorded to the parent of the student shall thereafter only be required of and accorded to the student. If a student refuses to sign the form for the notice to parents or guardian his/her refusal will be noted in the presence of a witness.
  - d. If the proposed expulsion is based on a violation listed in O.R.C. §3313.662(A) and the pupil is sixteen (16) years of age or older, the notice shall include a statement that the Superintendent may seek the permanent exclusion of the student if he/she is convicted or adjudicated a delinquent child for that violation.

4. The Superintendent or designee may grant an extension of time if requested on behalf of the student. If granted, the Superintendent must notify all parties of the new date, time, and place of the hearing.
5. The Superintendent or designee shall conduct the hearing at the appointed time and place. The purpose of the hearing is for both sides to give their side of the story.
6. The student may waive his/her right to a hearing. This waiver is to be in writing and signed by both student and parents. Additionally, the student can waive the hearing by not appearing or by his/her representative not appearing at the scheduled hearing.
7. If the Superintendent decides to expel, within one (1) school day of the decision to expel, the Superintendent must notify the parent, guardian, or custodian of the pupil and the Chief Financial Officer of the Board of Education of the action to expel in writing. If at the time an expulsion is imposed there are fewer school days remaining in the school year in which the incident that gives rise to the expulsion takes place than the number of days the student is to be expelled, the Superintendent may apply any remaining part or all of the period of the expulsion to the following school year. The notice of expulsion must include:
  - a. The reason(s) for the expulsion.
  - b. Notification of the right of the pupil, parent, guardian, or custodian to appeal to the Board of Education or its designee within fourteen (14) days after the date of the expulsion notice by sending notice by mail to the Board or its designee. The notice shall indicate that the notice of intent to appeal must be postmarked no later than fourteen (14) days after the date of the notice of expulsion.
  - c. The right of representation at the appeal.
  - d. The right to be granted a hearing before the Board of Education or its designee and request the hearing be held in executive session.
  - e. Notification that the expulsion may be subject to extension pursuant to O.R.C. §3313.66(F) if the student is sixteen (16) years of age or older.
  - f. Notification that the Superintendent may seek the pupil's permanent exclusion if the expulsion is based on a violation listed in O.R.C. §3313.662(A) that was committed when the child was sixteen (16) years of age or older, if the child is convicted or adjudicated a delinquent child for that violation.

- g. If the Superintendent expels a student for more than twenty (20) school days or for any period of time if the expulsion will extend into the following semester or school year, the notice of expulsion shall also include the names, addresses, and phone numbers of any public or private agencies that may offer services or programs 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.
8. An appeal of the expulsion must be made within fourteen (14) days of receipt of the notice of expulsion.
9. A pupil or his/her parent, guardian, or custodian may appeal the expulsion to the Board of Education or its designee. The pupil or the parent, guardian, or custodian may be represented in all such appeal proceedings and shall be granted a hearing before the Board or its designee, which may be in executive session upon the request of the pupil, parent, guardian, custodian or representative.
10. A verbatim record shall be made of the hearing.
11. The Board of Education or its designee can act only after a hearing, if requested, has been held. The Board or its designee may affirm, reverse, vacate, or modify the expulsion.
12. The action of the Board or its designee on the expulsion must be in a public meeting.
13. The Chief Financial Officer or the Board's designee shall promptly notify the pupil, parent, guardian, custodian, or representative in writing of the decision.
14. The decision of the Board of Education or its designee may be further appealed to the Court of Common Pleas under O.R.C. Chapter 2506.
15. The Superintendent, at his/her discretion, may require/allow a student to perform community (including the school district) services in conjunction with or in place of an expulsion. This may also be required/allowed to extend beyond the end of the school year in lieu of applying the expulsion into the following school year. This provision does not apply to students expelled for bringing a firearm to a school operated by the Board or onto property owned or controlled by the Board.
16. The Superintendent shall initiate expulsion proceedings with respect to any student who has committed an act warranting expulsion under the Code of Student Conduct even if the student withdraws from the Schools for any reason after the incident that gave rise to the hearing but prior to the hearing or decision to expel. If, following the hearing, the student would have been expelled had he/she still been enrolled in

the school, the Superintendent shall impose the expulsion for the same length of time as a student who has not withdrawn from school.

C. Suspension

1. The Superintendent, principal, assistant principal, or any other administrator from the district's educational program, are the only school administrators who may suspend a pupil.
2. Whenever an incident occurs that may lead to a suspension, an administrator shall investigate the nature of the alleged offense.
3. Prior to suspension or a hearing, the Superintendent or principal must give the pupil written notice of the intention to suspend. This notice must include the reason(s) for the intended suspension, and if the proposed suspension is based on a violation listed in O.R.C. §3313.662(A) and the pupil is sixteen (16) years of age or older, the notice may include a statement that the Superintendent may seek to permanently exclude the pupil if he/she is convicted or adjudicated a delinquent child for the violation.
  - a. The pupil shall be provided an opportunity to appear at an informal hearing before the Superintendent, principal, assistant principal, or any other administrator from the District's educational program, to challenge the reason(s) for the intended suspension or to otherwise explain his/her actions. This hearing may take place immediately upon notification of the intention to suspend.
  - b. Whenever a student has attained eighteen (18) years of age the rights accorded to the parents of the student shall thereafter only be required of and accorded to the student. If a student refuses to sign the form for the notice to parents or guardian, the refusal will be noted in the presence of a witness.
  - c. The principal is not required to permit the presence of counsel or follow any prescribed judicial rules in conducting the hearing.
4. If the administrator decides to suspend, within one (1) school day of the decision to suspend, the Superintendent, principal, assistant principal, or any other administrator from the District's educational program, must notify the parent, guardian, or custodian of the pupil and the Chief Financial Officer of the Board of Education of the action to suspend in writing. If at the time a suspension is imposed there are fewer than ten (10) school days remaining in the school year in which the incident that gives rise to the suspension takes place, the Superintendent may apply any remaining part or all of the period of the suspension to the following school year. The notice of suspension must include:

- a. The reason(s) for the suspension.
  - b. The duration of the suspension.
  - c. Notification of the right of the pupil, parent, guardian, or custodian to appeal to the Board of Education or its designee within five (5) days after the date of the suspension notice by sending notice by mail to the Board or its designee. The notice shall indicate that the notice of intent to appeal must be postmarked no later than five (5) days after the date of the notice of suspension.
  - d. The right of representation at the appeal.
  - e. The right to be granted a hearing before the Board of Education or its designee and request the hearing be held in executive session.
  - f. Notification that the Superintendent may seek the pupil's permanent exclusion if the suspension is based on a violation listed in O.R.C. §3313.662(A) that was committed when the child was sixteen (16) years of age or older, if the child is convicted or adjudicated a delinquent child for that violation.
5. An appeal of the suspension must be made within fourteen (14) days of receipt of the notice of suspension.
  6. A verbatim record of the appeal hearing shall be made.
  7. The Board or its designee can act only after a hearing, if requested, has been held. The Board or its designee may affirm, reverse, vacate, or modify the suspension.
  8. The action of the Board or its designee on the suspension must be in a public meeting.
  9. The Chief Financial Officer or the Board's designee shall promptly notify the pupil, parent, guardian, custodian, or representative in writing of the decision.
  10. The decision of the Board or its designee may be further appealed to the Court of Common Pleas under O.R.C. Chapter 2506.
  11. The Superintendent, at his/her discretion, may require/allow a student to perform community (including the school district) services in conjunction with or in place of a suspension. This may also be required/allowed to extend beyond the end of the school year in lieu of applying the suspension into the following school year.

12. If, in the principal's opinion, the alleged infraction may warrant expulsion, s/he shall, as soon as practicable after the infraction, refer the case to the expulsion committee and submit the following documentation.
  - a. the rule(s) alleged to have been violated
  - b. the charges against the student
  - c. approximate date of the violation
  - d. recommendation(s) for expulsion
  - e. copy of the removal
  - f. chronology of disciplinary/corrective actions and witness statements
  - g. written notice to parents
  - h. transcript of grades
  - i. attendance records
  - j. statements from professional staff regarding student's efforts, attitudes, or particular problems
  - k. statement from counselor regarding help to student, attempts at remediation or correction, etc.
  - l. permanent record

D. Emergency Removal

1. By Teacher

- a. If a student's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process taking place either within a classroom or elsewhere on the school premises, a teacher may remove a pupil from curricular activities under his/her supervision, but not from the premises.
- b. During school hours the pupil must be sent to the office.
- c. If a teacher makes an emergency removal, the reasons(s) for the removal must be submitted to the principal or assistant principal in writing as soon after the removal as practicable.

- d. If the emergency removal exceeds one (1) school day then a due process hearing must be held within three (3) school days after removal is ordered.
  - i. Written notice of the hearing and of the reason(s) for the removal shall be given to the pupil as soon as practicable prior to the hearing.
  - ii. The individual who ordered, caused, or requested the removal to be made shall be present at the hearing.
  - iii. The hearing and notice requirements shall be conducted in accordance with suspension procedures if it is probable that the student may be subject to suspension. If it is probable that the student may be subject to expulsion, the hearing and notice requirements will be in accordance with expulsion procedures.
- e. If the Superintendent or principal reinstates a student prior to the hearing, the teacher, upon request, will receive written reasons for the action. The teacher cannot refuse to reinstate a student even though reasons are not given.
- f. In an emergency removal, a pupil can be kept from class until the matter of his/her misconduct is disposed of either by reinstatement, suspension, or expulsion.

2. By Administrator

- a. If a pupil's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process taking place either within a classroom or elsewhere on the school premises, the Superintendent or a principal may remove a pupil from the school premises.
- b. If it is intended that the pupil be removed for more than one (1) school day, a due process hearing must be held within three (3) school days after the removal is ordered.
  - i. Written notice of the hearing and of the reason(s) for the removal shall be given to the pupil as soon as practicable prior to the hearing.
  - ii. The individual who ordered, caused, or requested the removal to be made shall be present at the hearing.
  - iii. The hearing and notice requirements shall be conducted in accordance with suspension procedures if it is probable that the student may be subject to suspension. If it is probable that the

student may be subject to expulsion, the hearing and notice requirements will be in accordance with expulsion procedures.

- c. In an emergency removal a pupil can be kept from class or off school premises until the matter of the student's misconduct is disposed of either by reinstatement, suspension, or expulsion.
- d. Less than One (1) School Day Removal

In all cases of normal disciplinary procedures where a student is removed from a curricular or extracurricular activity or school premises for less than one (1) school day and is not subject to suspension or expulsion, the due process requirements of this policy do not apply.

E. Permanent Exclusion

- 1. A student may be permanently excluded from attending any of the public schools of this state if the student is convicted of or adjudicated a delinquent child for committing, when he/she was sixteen (16) 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:
  - a. O.R.C. §2923.122 which includes a person knowingly conveying or attempting to convey or possessing any deadly weapon or dangerous ordnance or any object which is indistinguishable from a firearm whether or not the object is capable of being fired and represents the object to be a firearm onto any property owned or controlled by (including a school bus), or to any activity held under the auspices of the Board;
  - b. O.R.C. §2923.12 or of a substantially similar municipal ordinance which makes it unlawful for a person to knowingly carry or have, conceal on his/her person or conceal ready-at-hand, any deadly weapon or dangerous ordnance on property owned or controlled by, or at an activity held under the auspices of the Board;
  - c. O.R.C. §2925.03 which makes it illegal to traffic in drugs if the trafficking was committed on property owned by or controlled by, or at an activity held under the auspices of the Board;
  - d. O.R.C. §2925.11 which makes it illegal to obtain, possess, or use a controlled substance, other than a minor drug possession offense, if on property owned or controlled by, or at an activity held under the auspices of the Board;
  - e. A violation of the following sections if the violation was committed on property owned or controlled by or at an activity held under the auspices of

the Board of Education, if the victim at the time of the commission of the act was an employee of the Board of Education:

- 1) O.R.C. §2903.01, aggravated murder;
- 2) O.R.C. §2903.02, murder;
- 3) O.R.C. §2903.03, voluntary manslaughter;
- 4) O.R.C. §2903.04, involuntary manslaughter;
- 5) O.R.C. §2903.11, felonious assault;
- 6) O.R.C. §2903.12, aggravated assault;
- 7) O.R.C. §2907.02, rape;
- 8) O.R.C. §2907.05, gross sexual imposition; or
- 9) O.R.C. §2907.12, felonious sexual penetration.

f. Complicity in any violation set forth in the section on reasons for permanent exclusion that was alleged to have been committed in the manner described 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 the Board.

2. If the Superintendent obtains or receives proof that a student has been convicted of committing a violation listed in the section on reasons for permanent exclusion when he/she was sixteen (16) years of age or older or was adjudicated a delinquent child for the commission, when he/she was sixteen (16) years of age or older, of a violation listed in the section on reasons for permanent exclusion, the Superintendent may issue to the Board of Education a request that the student be permanently excluded from public school attendance in accordance with O.R.C. §3313.662.

F. Disabled Students

It shall be the policy of this Board of Education that a child with a disability shall be disciplined only in accordance with state and federal law.

G. Corporal Punishment

The use of corporal punishment as a means of discipline is prohibited in the School District. This policy shall not prohibit the use of force or restraint in accordance with O.R.C. §3319.41(G)

H. Posting

A copy of this Policy together with the Code of Student Conduct shall be posted in a central location in each school in the District and made available to pupils upon request.

I. Student Handbooks

Disciplinary procedures and codes of conduct may be developed by building administrators, appear in their respective handbooks, and be approved by the Board of Education.

J. Student Seeking Admission From Another Ohio District

After a hearing, the Superintendent may temporarily deny admittance to a student seeking to enroll in the District if the student has been expelled or suspended from another Ohio District and the period of the expulsion or suspension has not expired. A student who is temporarily denied admission shall be admitted once the period of the suspension or expulsion has expired.

K. Student Seeking Admission From an Out-of-State School District

After a hearing, the Superintendent may also temporarily deny admittance to a student seeking to enroll in the District if the student has been expelled or temporarily removed for disciplinary reasons from a public school in another state and the period of the expulsion or removal has not expired. A student who is temporarily denied admission shall be admitted upon either:

1. The expiration of the expulsion or removal period imposed by the out of state District; or
2. The expiration of a period of time established by the Superintendent that begins with the date of expulsion or removal from the out-of-state school, but that is no greater than the period of the expulsion that the student would have received had the student committed the offense while the student was enrolled in this School District.

L. In-School/After School Restriction/Saturday School/Detention

In-school/after school restriction, in-school suspension, Saturday school, and/or detention are progressive discipline options that the principal may use to improve attendance, modify student behavior and to monitor the student's behavior during the disciplinary process.

1. Lunch Time Detention

The principal (or faculty member) may designate an area in which the student must remain during the lunch period. Students are to have an opportunity to eat their lunch. Failure to report for or to complete the detention may result in an in-school restriction, Saturday school restriction, or an out-of-school suspension.

2. Before and After School Detention

The principal (or faculty member) may require a student to serve a detention before school or after school provided the parents have been given at least one (1) day's notice and have agreed to be responsible for the child's transportation either to or from school. If the student is a bus rider and the principal cannot verify that the parents agree to be responsible for the student's transportation before or after school, detention should not be used or should be delayed until verification is received. Failure to report for or to complete the detention may result in additional school discipline up to and including out-of-school suspension.

3. In-School/After School Restriction/Saturday School

The Saturday school will be in session from 8:30 a.m. to 11:30 a.m.

Attendance is to be taken from the attendance sheet and recorded by the supervising personnel. Any discrepancy noted should be promptly reported to the administrative personnel.

A student missing any portion of his/her assigned time in Restriction or Saturday school may be subject to additional school discipline up to and including out-of-school suspension.

The rules and procedures regarding participation are to be published in the student handbooks. Rules should include but not necessarily be limited to the following:

1. Students are to have sufficient learning activities and materials for the period of their restriction or Saturday school.
2. Students are not to communicate with each other unless given special permission to do so.
3. Students are to remain in their designated seats at all times unless permission is granted to do otherwise.
4. Students shall not be allowed to use the telephone or to go to their lockers.

5. Students shall not be allowed to put their heads down to sleep.
6. No radios, cards, magazines, or other recreational articles shall be allowed in the room.
7. No food or beverages shall be consumed.
8. Students are required to have class assignments with them when they attend restriction or Saturday school.

Transportation to and from Saturday school shall be the responsibility of the parent/guardian of the student. Transportation from after school restriction is the responsibility of the parent/guardian.

The Saturday school and restrictions shall be held in a school building as determined by the Superintendent.