

CODE OF CONDUCT 2018-2019

A decorative graphic consisting of several parallel blue lines of varying thicknesses, slanted diagonally from the bottom-left towards the top-right, crossing behind the school name.

Learwood Middle School

THE RIGHTS AND RESPONSIBILITIES OF AVON LAKE STUDENTS

Students like all citizens have rights guaranteed by the Constitution of the United States.

The First Amendment, which ensures the freedom of religion, speech, press, assembly and petition, and the Fourteenth Amendment, which guarantees due process and equal protection, apply in school environments.

The rights of an individual are preserved only by the protection and preservation of the rights of others. A student is responsible for the way rights are exercised and must accept the consequences of actions and recognize the boundaries of rights. Each exercise of an individual's rights must demonstrate respect for the rights of others.

These statements set forth the rights of students and the responsibilities, which are inseparable from these rights, which include:

1. Civil rights, including the rights to equal educational opportunity and freedom from discrimination and the responsibility not to discriminate against others;
2. The right to attend free public schools; the responsibility to attend school regularly and to observe school rules essential for permitting others to learn at school;
3. The right to due process of law with respect to suspension and expulsion;
4. The right to free inquiry and expression and the responsibility to observe rules regarding these rights;
5. The right to privacy, which includes privacy with respect to the student's school records as per Family Educational Rights Privacy Act (FERPA). FERPA, a federal law, requires that the Avon Lake City School District, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's/your education records. However, the District may disclose appropriately designated directory information without

written consent, unless you advise the District to the contrary by completing and returning this form.

As part of the educational process, students should be aware of their legal rights and of the legal authority of the Board to make rules and delegate authority to its staff to make rules necessary for the orderly operation of the school.

STUDENT CODE OF CONDUCT

This code shall serve as a guide to all Avon Lake School District students and to staff personnel involved in making disciplinary decisions that will result in positive student growth. In order to establish a proper learning environment, it is necessary to maintain classroom control and school discipline. Avon Lake School District staff personnel constantly strive to make disciplinary decisions that will result in positive student growth. However, certain irresponsible acts can and will result in emergency removal, out-of-school suspension, expulsion and/or referral to Juvenile Court. In recognition that any list of prohibited conduct cannot encompass every conceivable action which may be properly subject to discipline, this Code of Conduct must be interpreted broadly, with substantial discretion in interpretation given to the administrator.

The rules and standards set forth apply to conduct on school premises, or on school buses or any other school vehicle, or involving school property, or at any school-sponsored event/ function, or within sight of school premises and connected to activities or incidents that have occurred on school property. The rules and standards also apply to any misconduct, regardless of where it occurs, that is directed at a district employee or official or the property of such employee or official.

Violation or attempted violation by a student of any one or more of the following rules of conduct, or to be in conspiracy with others to commit such violations, may result in disciplinary action(s). Disciplinary action will be handled on an individual basis.

Appropriate consequences for the individual student will be based on the type of offense, the frequency and the seriousness of the conduct violation, the circumstances of the violation, and the student's behavior history. Determination of what penalty to apply will be made by the appropriate administrator, consistent with Ohio law.

ZERO TOLERANCE

Students are expected to conduct themselves in such a way that they respect and consider the rights of others. Students of the District must conform with school regulations and accept directions from authorized school personnel. The Board has “zero tolerance” of violent, disruptive or inappropriate behavior by its students.

A student who fails to comply with established school rules or with any reasonable request made by school personnel on school property and/or at school-related events is subject to approved student discipline regulations. The Superintendent/designee develops regulations which establish strategies ranging from prevention to intervention to address student misbehavior.

Students and parents annually receive, at the beginning of the school year or upon entering during the year, written information on the rules and regulations to which they are subject while in school or participating in any school-related activity or event. The information includes the types of conduct which are subject to suspension or expulsion from school or other forms of disciplinary action.

The Board directs the administration to make all students aware of the student code of conduct and the fact that any violations of the student code of conduct are punishable.

If a student violates this policy or the code of conduct, school personnel, students or parents should report the student to the appropriate principal. The administration cooperates in any prosecution pursuant to the criminal laws of the State of Ohio and local ordinances.

The Student Code of Conduct shall be made available to students and parents and shall be posted within each building.

CODE VIOLATIONS

The Avon Lake City Schools Administrative team believes in being proactive and preventative when it comes to violation of Student Code of Conduct.

We encourage students to be proactive in avoiding possible violations of the Student Code of Conduct by seeking out assistance from an administrator, counselor, faculty member or staff member prior to violating the Student Code of Conduct. When students follow this type of proactive approach, the middle school administrative team can utilize mediation, counseling, etc., instead of being punitive.

SECTION I: MINOR VIOLATIONS

Minor violations are considered breaches of the Code of Conduct. Minor violations will ordinarily not, in the first instance, result in out-of-school suspension or expulsion from school. Minor violations will ordinarily result, in the first instance, in sanctions such as detentions, Saturday school, ISI discipline, and other alternatives to out-of-school suspensions. However, conduct that is prohibited both as a minor violation and as a suspension/expulsion violation may subject the student to the greater penalty of out-of-school suspension or expulsion. Additionally, multiple minor violations of different categories, minor violations that are repeated, or a single course of conduct that consists of multiple minor violations may result in out-of-school suspension or expulsion. In all cases, the decision of which penalty to assess is left to the responsible administrator.

The following is a list of conduct that will result in minor violations:

1. **Insubordination and disrespect:** A student is insubordinate when failing to comply with directions of teachers or other authorized school personnel during any period of time when the student is under the authority of school personnel. A student is disrespectful when "talking back" to, arguing or making disrespectful comments directed at staff members or about staff members.
2. **Tardiness:** Students are tardy when failing to report at a prescribed time and place.
3. **Class cutting:** A class is cut when a student fails to report to a class or assignment.
4. **Truancy:** Students are truant when absent from school without school authorization and parent consent. A student may not leave school property without the permission of his or her building principal or the principal's designee.
5. **Loitering:** To include but not limited to standing, sitting, or moving through areas of the building (inside or out) that have been designated as off limits or unsupervised; parking areas on the campus, in or out of cars; in or around other schools on the campus; on streets and areas immediately adjacent to the school; and standing or sitting in lavatories other than when specifically using these facilities as intended. This loitering provision applies to all school facilities on a twenty-four hour basis and shall be so enforced.

6. **Minor violations of bus conduct requirements:** Defined as activities which pose or tend to pose a danger to the safe operation of a school bus, including but not limited to failing to remain seated, throwing objects at passengers or the driver, and shouting or other disorderly conduct which could cause physical harm, emotional stress or diversion of the driver's attention. Note that a student engaging in any conduct on a school bus which in and of itself would violate a Section II or III of this Code of Conduct may be subject to out-of-school suspension or expulsion for that conduct.
7. **Motor vehicle offenses:** All unauthorized operation of a motor vehicle on school property and moving and nonmoving violations are prohibited.
8. **Distribution of unauthorized materials:** Students shall not distribute any materials without administrative approval in school or at school-related activities. Distribution of materials that meet the description of "abusive, harassing, and/or disrespectful behavior" in Section III may result in an out-of-school suspension or expulsion for the first violation.
9. **Inappropriate appearance:** A student shall not appear in school or at a school-sponsored or related event or activity in unkempt or unclean condition and/or dress in a manner which tends to disrupt the school activity or create a condition adverse to safety or health.
10. **Electronic devices:** Students are not permitted to use electronic devices such as radios, tape decks, CD players, MP3 players, beepers, laser pointers, televisions, cellular phones, or tape recorders during school hours. The administration reserves the right to confiscate any items.
11. **Failure to complete detention:** Detentions are assigned to students as a measure to correct inappropriate behavior. Failure to serve assigned detention will result in further disciplinary action.
12. **In halls without permission or misuse of a hall pass:** A student shall not be in the halls without permission or without a hall pass in buildings where hall passes are used. A student shall not transfer or otherwise misuse a hall pass, and shall use them in a responsible manner.
13. **Minor disruption and/or removal from class:** Students will be expected to demonstrate positive behaviors that are conducive to a good learning environment in their assigned classes. Disruptive behavior refers to any negative behavior that tends to disturb or endanger the educational process and/or the people involved. Note that serious disruption rising to the level described as "abusive,

harassing, and/or disrespectful behavior” in Section III may result in out-of-school suspension or expulsion in the first instance.

14. **Leaving the building without permission:** A student may not leave the building before the appropriate dismissal time except with the consent from the Attendance Office or an administrator.
15. **Use of inappropriate language:** Students shall not use inappropriate language in speech, writing, or gesture. Note that language or gestures that meet the description of “abusive, harassing, and/or disrespectful behavior” as described in Section III may subject a student to suspension or expulsion in the first instance.
16. **Inappropriate display of affection:** Students should not display affection in such a manner as to prove embarrassing to themselves, other students, staff members, or visitors.
17. **Other misconduct:** Any misconduct which is contrary to the school’s educational mission is prohibited.

SECTION II: SUSPENSIONS

Pursuant to Section 3313.66 of the Ohio Revised Code, the Avon Lake Board of Education Superintendent or a School Principal, or Assistant Principal, may suspend a pupil from school for not more than ten (10) school days. 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, Principal, or Assistant Principal, may apply any remaining part or all of the period of the suspension to the following year.

Suspension may be imposed for violations of the rules and regulations appearing in the Code of Conduct and Board of Education policies on student behavior.

Misconduct For Which Suspensions May Be Imposed:

18. **Tobacco:** The possession, use, transmission, or concealment of tobacco products or paraphernalia in a school building, on or near a school campus, or at any sanctioned school activities on or off the school campus is prohibited.
19. **Gambling:** Students shall not participate in games of chance for stakes, bookmaking, wagering, or any other form of gambling.

20. **Honor violations:** Students shall not be involved in activities including but not limited to: cheating, plagiarism, improper collusion, misuse of privileges, forgery or falsification of information.

(Teachers may use of Turnitin.com, a web-based originality checking and plagiarism prevention service used throughout high schools, colleges, and universities worldwide. Through electronic submission of written assignments, this tool helps identify plagiarized text, and allows for quick feedback and teacher intervention for students).
21. **Injurious behavior:** Students will not act in a manner that injures or potentially injures another person, such as, but not limited to, throwing objects, propelling objects, pranks, etc.
22. **Violating acceptable use policy:** Students shall not use school-owned computers in a manner that violates the school's Acceptable Use Policy.
23. **Trespassing:** Student shall not enter upon school grounds or premises of a school building to which the student is not assigned, except with the expressed permission of the school principal of that building. Students may attend or participate in an Avon Lake City Schools sponsored event. Students are not permitted to enter upon the grounds or premises of any Board of Education facility when the student has been placed on suspension, expulsion, or removal without the express permission of the building principal. Students are not permitted in the school building at such times as the building is closed.
24. **Disobedience to administrative directive:** A student may not outwardly defy a directive from an administrator, such as refusing to leave any area of the building or grounds when directed to, refusal to leave school building or grounds after an emergency removal, or refusal to return to in school discipline to fulfill his/her assignment.
25. **Misuse of facilities and equipment:** Students shall not use school facilities and/or equipment for uses other than those which were intended. Restitution of costs for repair or replacement will be part of the disciplinary action.
26. **Commission of any of the acts of misconduct specified in Section III of this policy, dealing with grounds for expulsion.**
27. **Failure to complete minor disciplinary sanction:** A student who fails to complete an assigned minor disciplinary sanction, such as Saturday School, ISACP will be subject to suspension.

28. **Repeated minor violations:** Two or more minor violations (as specified in Section I of this Code of Conduct) from the same or different categories or a single course of conduct consisting of two or more minor violations may result in an out-of-school suspension. Some minor violations will result in an out-of-school suspension upon the first repetition, while others will result in an out-of-school suspension after several repetitions.

SECTION III: EXPULSION

Pursuant to Section 3313.66 of the Ohio Revised Code, the Avon Lake Board of Education Superintendent may expel a pupil from school attendance for a period not to exceed the greater of eighty school days or the number of school days remaining in the semester or term in which the incident that gives rise to the expulsion takes place. If at the time an expulsion is imposed there are fewer than eighty school days remaining in the school year in which the incident that gives rise to the expulsion takes place, the Superintendent or his designee may apply any remaining part or all of the period of the expulsion to the following year.

Any act that would be a criminal offense when committed by an adult that results in serious physical harm to persons or property (as defined by Section 2901.01 of the Ohio Revised Code) may subject the offender to expulsion of up to one year. Additionally, violations of the weapons in schools policy may result in expulsion of up to one year. The Superintendent/designee may reduce the one-year expulsion on a case-by-case basis for reasons relating to the age of the student, previous offenses, the student's disability, or for individual circumstances. This list is not all-inclusive.

Expulsion may be imposed for violations of rules and regulations appearing in the Code of Conduct or in Board of Education policies.

Misconduct for which Expulsions may be imposed:

The Learwood Middle School Administrative team believes in being proactive and preventative when it comes to violation of Student Code of Conduct.

We encourage students to be proactive in avoiding possible violations of the Student Code of Conduct by seeking out assistance from an administrator, counselor, faculty member or staff member prior to violating the Student Code of Conduct. When students follow this type of proactive approach, the middle school administrative team can utilize mediation, counseling, etc., instead of being punitive.

29. **Abusive, harassing, bullying, cyber bullying and/or disrespectful behavior:** Students shall not engage in any obscene, abusive, profane, or degrading gestures or expressions; racial, ethnic, or religious prejudicial or disrespectful actions; harassment of any kind (including but not limited to sexual, race, gender, sexual orientation, dating violence, ethnicity, nationality, language, , age, religion, physical appearance, physical or mental capacity) to any individual or group; or intimidation and/or threats to an individual or group. This includes possession, publication or distribution of materials meeting this description, including electronic acts of bullying associated with the school.

Avon Lake City Schools District Policy on Hazing and Bullying

Hazing means doing any act or coercing another, including the victim, to do any act of intimidation or harassment to any student or other organization that causes or creates a substantial risk of causing mental or physical harm to any person.

Bullying is an intentional written, verbal or physical act that a student has exhibited toward another particular student more than once and the behavior causes either mental or physical harm to the other student and is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment for the other student.

Permission, consent or assumption of risk by an individual subjected to hazing and/or bullying does not lessen the prohibition contained in this policy.

Prohibited activities of any type including those activities engaged in via computer and/or electronic communications devices are inconsistent with the educational process and are prohibited at all times. No administrator, teacher or other employee of the District shall encourage, permit, condone or tolerate any hazing and/or bullying activities. No student, including leaders of student organizations, may plan, encourage or engage in any hazing and/or bullying.

Administrators, teachers and all other District employees are particularly alert to possible conditions, circumstances or events that might include hazing and/or bullying. If hazing and/or bullying or planned hazing and/or bullying is discovered, involved students are informed by the discovering District employee of the prohibition contained in this policy and are required to end all hazing and/or bullying activities immediately. All hazing and/or bullying incidents are reported immediately to the Superintendent and the appropriate discipline is administered.

The Superintendent/designee must provide the Board President with a semiannual written report of all reported incidents of bullying and post the report on the District's website.

The administration provides training on the District's hazing and bullying policy to District employees and volunteers who have direct contact with students. Additional training is provided to elementary employees in violence and substance abuse prevention and positive youth development.

District employees, students and volunteers are provided with qualified civil immunity for damages arising from reporting an incident of hazing and/or bullying. Administrators, teachers, other employees and students who fail to abide by this policy may be subject to disciplinary action and may be liable for civil and criminal penalties in compliance with State law.

No one shall retaliate against an employee or student because he/she files a grievance or assists or participates in an investigation, proceeding or hearing regarding the charge of hazing and/or bullying of an individual.

This policy will be incorporated into building staff and student handbooks and will be the subject of discussion at employee staff meetings or in-service programs.

30. **Vandalism:** Students shall not damage or attempt to damage school property or private property of students, teachers, or other persons either on school grounds or during a school-sponsored or related activity, function, or event off school grounds. Restitution of damages will be part of the disciplinary action.
31. **Fireworks and explosives:** Students shall not possess, use, threaten use of, handle, transport, sell, conceal, ignite, or explode fireworks/explosives of any kind.
32. **Assault:** To cause or to attempt or to threaten to cause physical injury to any person.
33. **Fighting:** Students shall not physically display violent action between two or more individuals. Fighting includes engaging in physical (i.e., pushing, shoving, slapping, kicking, etc.), verbally abusive or provocative activities (to provoke, anger or stir up) or any conduct toward another person that could lead to harm to another person or bystander.
34. **Involvement with weapons or dangerous instruments:** In accordance with Board Policy JEC, a student shall not use, possess, handle, transmit, sell or conceal any object that can be classified as a weapon or dangerous instrument. Weapons and dangerous

instruments include, but are not limited to, guns, knives, metal knuckles, laser pointers, straight razors, explosives, noxious irritants, poisons, and other dangerous substances, along with any item that is a "look alike" of any of the above, or any object, which is used or may be used to inflict physical harm. Weapons violations may result in expulsion of up to one (1) full year.

35. **Involvement with alcoholic beverages:** a student shall not possess, transmit, buy, sell, conceal, use or be under the influence of any alcoholic beverage at any time the student is subject to the authority of the school. Use of an alcoholic beverage shall be determined by the professional staff and may include, but not be limited to, detection on the breath of the student, regardless of where the alcoholic beverage may have been consumed. A student shall not consume any alcoholic beverage before arrival at school or a school sponsored or related event or activity.
36. **Involvement with drugs and/or drug paraphernalia:** a student shall not possess, use, transmit, buy, sell, or conceal any of the drugs defined as a "drug of abuse" in Ohio Revised Code Section 3719.011; or possess, use, transmit, buy, sell, or conceal any of the drugs defined as "Counterfeit Controlled Substance" in Ohio Revised Code Sections 2925.01; or be under the influence of any such drugs. Nor shall the student possess, use, transmit, buy, sell, or conceal any drug related paraphernalia at any time the student is subject to the authority of the school. Examples of drugs of abuse include but are not limited to, narcotic drugs, "look like" drugs, hallucinogenic drugs, amphetamines, barbiturates, marijuana, cocaine or derivatives, glue, or other substances that could modify behavior. A student shall not use any drug of abuse before arrival at school or at a school sponsored or related event or activity. Use of drugs authorized by a medical prescription from a licensed physician shall not be considered a violation of this rule. However, no student may self-administer any medication, including nonprescription medication (aspirin, ibuprofen, etc.) except prescribed asthma inhalers.

A student who demonstrates behavior seemingly related to drug usage or who exhibits symptoms of physical conditions that may be related to drug usage shall be referred by a staff member for observation and questioning by a school administrator. If the suspicion of drug usage still exists, the parents shall be informed immediately and shall be requested to come to school as soon as

possible. Based upon the administrator's professional judgment, the student may be sent home in the custody of his/her parents.

37. **Theft of school or private property/possession of stolen property:** Students shall not take or be in the possession of the School District's or another individual's property.
38. **Arson/attempted arson/possession of incendiary device:** Setting fires or use or possession of any incendiary device is prohibited.
39. **Disruption of school:** A student shall not, by use of violence, force, noise, coercion, threat, harassment, intimidation, fear, passive resistance, or any other conduct, cause, attempt or threaten to cause, or urge other students to cause, attempt or threaten to cause disruption or obstruction of any lawful mission, process or function of the school.
40. **Extortion:** Students shall not engage in any act, either verbal, written, or physical, to secure or attempt to secure property.
41. **Making false fire alarms and bomb threats:** Students shall not, through written, electronic, or verbal means, disrupt or threaten to disrupt the educational process and/or endanger or threaten to endanger the safety of school occupants by means of false alarms and/or bomb threats.
42. **Violation of local, state, or federal laws:** any act that would be a criminal offense when committed by an adult that results in serious physical harm to persons or property (as defined by Section 2901.01 of the Ohio Revised Code) is prohibited and may subject the offender to expulsion of up to one (1) year. Violation of criminal laws will also result in referral for criminal prosecution or to juvenile court.
43. **Hazing:** Defined as an act or participation in an act or acts that injures, degrades, disgraces or tends to injure, degrade or disgrace any student or a member of the school staff. Hazing of any kind, including but not limited to race, gender, sexual orientation, ethnicity, nationality, language, age, religion, physical appearance, physical or mental capacity, is prohibited.
44. **Violation of Board of Education policies or School rules and regulations:** Such policies and rules and regulations will be posted on school bulletin boards and/or printed in the student handbook. Students are responsible for becoming familiar with those items.
45. **Sexual harassment:** Students who engage in sexual harassment will be subject to appropriate discipline. Sexual harassment also includes the creation of a hostile environment through name calling, slurs, jokes, or any other verbal or physical attack that (1) has the purpose of or effect of creating an intimidating, hostile, or offensive educational environment; (2) has the purpose or effect of unreasonably interfering with an individual's performance; or (3) otherwise adversely affects an

individual's opportunity or participation in the educational environment. Sexual harassment is any activity of a sexual nature that is unwanted or unwelcome, including but not limited to, unwanted touching, pinching, patting, verbal comments of a sexual nature, sexual name calling, or pressure to engage in sexual activity.

The school's normal disciplinary procedures will be followed in determining the appropriate consequence for sexual harassment, including suspension or expulsion as appropriate. Any student who believes he or she is a victim of sexual harassment in violation of this policy should immediately notify the Assistant Superintendent who is the Title IX Coordinator, the student's building principal, or other administrator with whom the student feels comfortable. A complete copy of the district's sexual harassment policy may be obtained by contacting the building principal.

46. **Failure to provide evidence/providing false information/lying:** Students are expected to be honest concerning violations of the Code of Conduct and to help school officials establish the truth about a possible violation and the Student Code of Conduct. In establishing the facts concerning an incident, students shall be expected to cooperate with school officials. Students shall not give, or assist in giving false or fictitious accounts to any school official, police official, fire official, or any other person acting in an official or lawful capacity.
47. **Sexual conduct:** Students are not permitted to engage in sexual conduct or contact while on school premises, at any school-sponsored event, or while otherwise under school authority.
48. **Repeated or continued violation of minor school conduct rules or rules for which suspension may be imposed:** If, after out-of-school suspension, a student continues to violate the minor school conduct rules, expulsion may result as the next step. Additionally, a student who has been suspended may be expelled for new suspendable conduct after having served an out-of-school suspension.

**PROCEDURES FOR SUSPENSION,
EXPULSION AND EMERGENCY REMOVAL
SUSPENSION PROCEDURE**

STUDENT SUSPENSION

The superintendent, principal, assistant principal or other designated administrators may suspend a student from school for disciplinary reasons outlined in the student code of conduct. No period of suspension will be for more than 10 school days. Suspension may extend beyond the current school year if, at the time a suspension is imposed, fewer than 10 days remain in the school year. The superintendent may apply any or all of the period of suspension to the following year.

The superintendent may require a student to perform community service in conjunction with or in place of a suspension. The board may adopt guidelines to permit the superintendent to impose a community service requirement beyond the end of the school year in lieu of applying the suspension into the following school year. The guidelines listed below will be followed for all suspensions, including those of in-school suspension.

A student can receive credit during their first OSS. Second or subsequent suspension per school year will not receive credit for school work missed.

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 explain his/her actions.
3. An attempt will be made to notify parent(s)/guardian(s) by telephone if a suspension is issued.
4. Within 24 hours, a letter will be sent to the parent(s)/guardian(s) stating the specific reasons for the suspension and including notice of their right to appeal such action.
5. Notice of this suspension will be sent to the:
 - A. Superintendent
 - B. Treasurer and
 - C. Student's school record (but not for inclusion in the permanent record).
6. Permanent Exclusion: If the offense is one for which a school district may seek permanent exclusion, then the notice will contain that information.

Appeal Procedure to the Superintendent or Designee

Should a student or a student's parent(s)/guardian(s) choose to appeal the suspension, he/she must do so within two school days of the notice of suspension. The appeal will be heard by the superintendent or designee. The student will be excluded from school during the appeal process.

Appeal to the Board

A student or a student's parent(s)/guardian(s) may appeal the suspension by the superintendent to the board or its designee within 14 calendar days of the notice of suspension. They may be represented in all such appeal proceedings and are granted a hearing before the board or its designee. All witnesses are sworn and a verbatim record is kept of the hearing which may be held in executive session at the request of the student or parent(s)/guardian(s). The student will be excluded from school during the appeal process.

Appeal to the Court

Under Ohio law, the decision of the board may be further appealed to the Court of Common Pleas.

EXPULSION PROCEDURE

At times, the behavior of a student can be considered so serious as to justify total removal from the educational program for a prolonged period of time. Actions meriting expulsion are outlined in the student code of conduct. Only the Superintendent may expel a student. Expulsion is the removal of a student for more than 10 days, but not more than one year. An expulsion can extend beyond the end of the school year if there are fewer school days than expulsion days remaining. The Superintendent may apply any remaining part or all of the period of the expulsion to the following school year.

The Superintendent may require a student to perform community service in conjunction with or in place of an expulsion. The Board may adopt guidelines to permit the Superintendent to impose a community service requirement beyond the end of the school year in lieu of applying the expulsion into the following school year.

The Superintendent shall give the student and parent(s) written notice of the intended expulsion, including reasons for the intended expulsion. The student and parent(s) or representative have the opportunity to appear on request before the Superintendent/designee to challenge the action or to otherwise explain the student's actions. This notice shall state the time and place to appear, which must not be fewer than three days or more than five days after the notice is given. Within 24 hours of the expulsion, the Superintendent shall notify the parent(s) of the student and the Treasurer of the Board. The notice shall include the reasons for the expulsion, the right of the student or parent(s)

to appeal to the Board or its designee, the right to be represented at the appeal and the right to request that the hearing be held in executive session.

The Superintendent will initiate expulsion proceedings against a student who has committed an act that warrants expulsion even if the student withdraws from school before the Superintendent has held the hearings or made the decision to expel the student.

Permanent Exclusion

If the offense is one for which the District may seek permanent exclusion, the notice shall contain that information.

Appeal to the Board

A student or a student's parent(s) may appeal the expulsion by the Superintendent to the Board or its designee. They may be represented in all such appeal proceedings and are granted a hearing before the Board or its designee. All witnesses are sworn and a verbatim record is kept of the hearing which may be held in executive session at the request of the student or parent(s). The student may be excluded from school during the appeal process.

Appeal to the Court

Under Ohio law, the decision of the Board may be further appealed to the court of common pleas. Any student who is expelled from school for more than 20 days or into the following semester or school year is referred to an agency which works towards improving the student's attitudes and behavior. The Superintendent provides the student and his/her parent(s) with the names, addresses and telephone numbers of the public and private agencies providing such services.

EMERGENCY REMOVAL OF STUDENTS

If a student's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, the Superintendent, Principal, Associate Principal, or Assistant Principal may remove the student from curricular activities or from the premises. A teacher may remove the student from curricular activities under his supervision, but not from the premises. If a teacher makes an emergency removal, the reasons will be submitted to the principal in writing as soon after the removal as practicable. In all cases of normal disciplinary procedures where a student is removed from a curricular or extracurricular activity for less than 24 hours and is not subject to further suspension or expulsion, the due process requirements do not apply.

If the emergency removal exceeds 24 hours, then a due process hearing will

be held as soon as possible, but in all cases within 3 school days after the removal is ordered. Written notice of the hearing and the reason for removal and any intended disciplinary action will be given to the student as soon as practicable prior to the hearing.

The student will have the opportunity to appear at an informal hearing before the principal, assistant principal, superintendent, or designee, and has the right to challenge the reasons for the intended suspension or otherwise explain his actions. The person who ordered or requested the removal will be present at the hearing. Within 24 hours of the decision to suspend, written notification will be given to the pupil, parent, guardian or custodian of the student and Treasurer of the Board. This notice will include the reasons for the suspension and the right of the student or parent to appeal to the Board's designee.

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 his misconduct is disposed of either by reinstatement, suspension, or expulsion.

Any appeal to the Board's designee shall follow the procedures of the suspension policy JGD.

SEARCHES

School officials may search a student or a student's property when there are reasonable grounds to suspect the presence of contraband that violates the law or school rules. Dogs trained in the detection of illegal drugs and/or weapons may patrol school facilities and premises. A dog alerting to an object is considered reasonable grounds for a search. Vehicles on school property are also subject to search. Student lockers are the property of the Board of Education and are subject to search based on reasonable suspicion of the violation of the law or school rules, and to random searches without regard to reasonable suspicion. Student files on the ALCS computer network are also school property and subject to search.