

## **STUDENT CONDUCT AND DISCIPLINARY PROCEDURES**

The purpose of this policy is to provide the general guidelines and procedures governing student conduct and discipline in the Fairview Park City School District. The individual school buildings have student handbooks in place with guidelines that may extend those listed in this policy.

This policy is intended to comply with O.R.C. §§2923.122, 3313.66, 3313.661, 3313.662, 3313.664, 3313.665, 3313.753 and 3327.014, which require each board of education to adopt a policy regarding suspension, expulsion, removal, and permanent exclusion and specify the types of misconduct for which a student may be suspended, expelled, or removed. The Board of Education's primary concern is that students who wish to learn can do so in an environment conducive to learning and that every available disciplinary and prescriptive means be employed on behalf of those who seek to preserve and maintain such an environment. The sole objective of this policy is to ensure fair and equitable handling of disciplinary problems.

### **Zero Tolerance**

Students are expected to conduct themselves in such a way that they respect and consider the rights of others. Students must conform with school and district regulations and comply with directions from school personnel. The Board will not tolerate violent, disruptive, or inappropriate behavior, by its students. A student who fails to comply with established school or district rules or with any reasonable request made by school personnel shall be subject to discipline in accordance with the Board's Student Conduct and Disciplinary Procedures and the Code of Student Conduct. The Superintendent or designee shall develop strategies ranging from prevention to intervention to address student misbehavior.

### **Procedural Standards**

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 student. 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.

The suspended or expelled student may not receive credit for work which takes place in the classroom while he/she is on suspension or expulsion. The suspended or expelled student also forfeits any privileges of making up work, and the days of suspension or expulsion shall be considered to be unexcused absences.

A student who is suspended or expelled from his or her vocational program through the Polaris Career Center is also to be regarded as suspended or expelled from the Fairview Park City School District.

The District may deny credit for post-secondary or college credit plus courses, any portion of which were taken during the period of an expulsion imposed by the superintendent or the Board.

### **Definitions**

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.

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 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).

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, for a period not exceeding three (3) school days, of permission to attend school and to take part in any school function.

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 for a period of less than one (1) school day.

Permanent Exclusion means the prohibition of a student forever from attending any public school in this state that is operated by a city, local, exempted village, or joint vocational school district.

In-School Suspension means a suspension served in a supervised learning environment within a school setting in the District.

### **Expulsion**

The Superintendent is the only school administrator who may expel a student. Whenever an incident occurs that may lead to an expulsion, the principal or assistant principal may suspend a student prior to the expulsion hearing. In addition, the principal or assistant principal will send written notice within one (1) school day of his recommendation for expulsion to the Superintendent and to the parent(s). The Superintendent shall give the student and his/her parent, guardian, or custodian written notice of the intention to expel the student and provide the student 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:

- The reason(s) for the intended expulsion.
- Notification of the right of the student 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

student's action. This hearing cannot be compelled by the administrator. The Superintendent or designee may utilize the service of counsel if deemed appropriate.

- 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 rights 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.
- If the proposed expulsion is based upon 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.

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. 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. The student and parents will be given full opportunity to present matters in defense or mitigation.

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 Fairview Park City Schools for any reasons 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.

Compliance with all provisions of the Board of Education policy have been met at this point in the expulsion process. The decision must now be made to expel or not to expel. If the decision is to expel, then within one (1) school day of the decision to expel, the Superintendent must notify the parent, guardian, or custodian of the student and the Treasurer of the Board of Education of the action to expel in writing. If at the time an expulsion is imposed there are fewer than eighty (80) school days remaining in the school year in which the incident that gives rise to the expulsion takes place, 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:

- The reason(s) for the expulsion.
- 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.
- The right of representation at the appeal.

- The right to be granted a hearing before the Board of Education or its designee and request the hearing be held in executive session.
- 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.
- Notification that the Superintendent may seek the student's permanent exclusion if the expulsion is based upon 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.
- 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.

An appeal of the expulsion must be made within fourteen (14) days of the date of the notice of expulsion. A student or his/her parent, guardian, or custodian may appeal the expulsion to the Board of Education or its designee. The student 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 student, parent, guardian, custodian or representative. A verbatim record shall be made of the hearing.

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. The action of the Board or its designee on the expulsion must be in a public meeting. The Treasurer or the Board's designee shall promptly notify the student, parent, guardian, custodian, or representative in writing of the decision. 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.

### **Suspension**

The Superintendent, principal, or assistant principal are the only school administrators who may suspend a student. Whenever an incident occurs that may lead to a suspension, the principal or assistant principal shall investigate the nature of the alleged offense. Unless the student is unavailable or unwilling to discuss the incident with the principal or assistant principal, this investigation shall include discussion with the student so that the student may be given an opportunity to be heard.

The Superintendent, principal, or assistant principal must give the student 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 student is sixteen (16) years of age or older, the notice may include a statement that the Superintendent may seek to permanently exclude the student if he/she is convicted or adjudicated a delinquent child for the violation.

The student shall be provided an opportunity to appear at an informal hearing before the principal, assistant principal, Superintendent or Superintendent's designee 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. 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. The principal or assistant principal is not required to permit the presence of counsel or follow any prescribed judicial rules in conducting the hearing. Appeal procedures do not apply.

Compliance with all provisions of the Board of Education policy have been met at this point prior to a suspension. The decision must now be made to suspend or not to suspend. If the decision is to suspend, then within one (1) school day of the decision to suspend, the Superintendent, principal or assistant principal must notify the parent, guardian, or custodian of the student of the action to suspend in writing. If at the time an out of school suspension is imposed there are fewer than ten school days remaining in the school year in which the incident that gives rise to the suspension takes place, the Superintendent shall not apply any remaining part or all of the period of the suspension to the following school year. The Superintendent may instead require the 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 the student's community service or alternative consequence during the first full week day of summer break. The District, in its discretion, may develop an appropriate list of alternative consequences. In the event that a student fails to complete community service or the assigned alternative consequence, the District may determine the next course of action, which shall not include requiring the student to serve the remaining time of the out-of-school suspension at the beginning of the following school year.

A notice of suspension must include:

- The reason(s) for the suspension.
- The duration of the suspension.
- 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 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 fourteen (14) days after the date of the notice of suspension.
- The right of representation at the appeal.
- The right to be granted a hearing before the Board of Education or its designee and request the hearing be held in executive session.
- Notification that the Superintendent may seek the student'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.

If a student is suspended, the Board may, in its discretion, permit the student to complete any classroom assignments missed because of the suspension.

A student or the parent, guardian, or custodian may appeal the suspension to the Board of Education or its designee. The student 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 held in executive session upon the request of the student, parent, guardian, custodian, or representative of the student. A verbatim record of the appeal hearing shall be made.

The Board or designee can act only after a hearing, if requested, has been held. The Board or designee may affirm, reverse, vacate, or modify the suspension. The action of the Board or designee on the suspension must be in a public meeting. The Treasurer or the Board's designee shall promptly notify the student, parent, guardian, custodian, or representative in writing of the decision. The decision of the Board or designee may be further appealed to the Court of Common Pleas under O.R.C. Chapter 2506.

The Superintendent, at his/her discretion, may require/allow a student to perform community (including the 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.

### **Parameters for Completing and Grading Assignments Missed Due to Suspension**

- A student who has been suspended from school shall have the opportunity to do both of the following:
  1. Complete any classroom assignments missed because of the suspension; and
  2. Receive at least partial credit for a completed assignment.
- A student's grade may be reduced on account of the student's suspension. However, a student shall not receive a failing grade on a completed assignment solely on account of the student's suspension.

### **Removal From Extracurricular Activities**

A student may be denied the privilege of participating in any particular or all extracurricular activities of the district or of a school of the district for up to one (1) full school year in accordance with the procedures contained within Board of Education Policy 6.22.

### **Suspension of School Bus Riding Privileges**

A student may be suspended from any particular or all school bus riding privileges of the district for up to one (1) full school year in accordance with the procedures set forth in Board of Education Policy 6.23.

### **Emergency Removal by Teacher**

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 student from curricular activities under his/her supervision, but not from the premises.

During school hours the student must be sent to the office. If a teacher makes an emergency removal for one (1) school day or more, the reasons(s) for the removal must be submitted to the principal or assistant principal in writing as soon after the removal as practicable.

A due process hearing must be held on the next school days after removal is ordered. Procedures for this hearing are the same as for a suspension or expulsion hearing. Written notice of the hearing and of the reason(s) for the removal shall be given to the student as soon as practicable prior to the hearing. The individual who ordered, caused, or requested the removal to be made shall be present at the hearing.

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

### **Emergency Removal by Administrator**

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, the Superintendent, principal, or assistant principal may remove a student from curricular activities or from the school premises.

If it is intended that the student be removed for more than one (1) school day, a due process hearing must be held on the next school days after the removal is ordered. Procedures for this hearing are the same as for a suspension or expulsion hearing. Written notice of the hearing and of the reason(s) for the removal shall be given to the student as soon as practicable prior to the hearing. The individual who ordered, caused, or requested the removal to be made shall be present at the hearing.

In an emergency removal a student 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.

### **Disciplinary Removal**

A student shall be given written notification of the charges against him/her by the administrator. The student must have the opportunity to appear at an informal hearing before the principal, or assistant principal to challenge the reasons for the intended removal or otherwise to explain his/her actions. Students shall be given an opportunity to challenge the charges and present their side of the story.

The administrator shall make the decision to remove or not to remove, and shall notify the student orally of that decision. If the student is removed, the administrator shall notify the parent or guardian within one (1) school day, in writing, of the removal, including the length of the removal and reason(s) for the removal.

### **Less than Twenty-Four (24) Hour Removal**

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

### **Students in Grades Pre-Kindergarten Through Three**

#### 1. Emergency Removal

- a. A student in any of grades pre-kindergarten through three may be removed only for the remainder of the school day and shall be permitted to return to curricular and extracurricular activities on the school day following the day in which the student was removed. If returned to curricular and extracurricular activities the following school day, a hearing regarding the removal need not occur.
- b. A suspension or expulsion proceeding shall not be initiated against a student in any of grades pre-kindergarten through three who was removed from a curricular or extracurricular activity, unless the student has committed an act described in O.R.C. §3313.668(B)(1)(a) or (b).

#### 2. Out-of-School Suspension and Expulsion

The District shall not implement an out-of-school suspension or expulsion of a student in any of grades pre-kindergarten through three, except in accordance with the following:

- a. The District may issue an out-of-school suspension or expulsion to a student who has engaged in any of the behaviors described in O.R.C. §3313.66(B)(2) to (5).



- b. The District may issue an out-of-school suspension not to exceed ten days or an expulsion to a student who has not engaged in any of the behaviors described in O.R.C. §3313.66(B)(2) to (5) only as 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.
- c. Whenever possible, the principal shall consult with a mental health professional under contract with the District prior to suspending or expelling a student in any of grades pre-kindergarten through three. If the events leading up to suspension or expulsion indicate a need for additional mental health services, the student's principal or the District's mental health professional shall, in any manner that does not result in a financial burden to the District, assist the student's parent or guardian with locating providers or obtaining those services, including referral to an independent mental health professional.
- d. A student who is suspended or expelled shall be afforded the same notice and hearing, procedural, and educational opportunities as prescribed for a suspension or expulsion of District students in grades four through twelve.
- e. Students in grades pre-kindergarten through three may be issued in-school suspensions, provided the in-school suspension is served in a supervised learning environment.

### **Permanent Exclusion**

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 above 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.

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 if the following apply:

- a. After obtaining or receiving proof of the conviction or adjudication, the Superintendent or designee determines that the student's continued attendance in school may endanger the health and safety of other students or school employees and gives the student and his/her parent, guardian, or custodian, written notice that the Superintendent intends to recommend to the Board that the Board adopt a resolution requesting the Superintendent of Public Instruction to permanently exclude the student from public school attendance.

- b. The Superintendent or designee forwards to the Board the Superintendent's written recommendation which includes the determination that the Superintendent made pursuant to this Board policy and a copy of the proof he/she received showing that the student has been convicted of or adjudicated a delinquent child for a violation listed in the section on reasons for permanent exclusion that was committed when the student was sixteen (16) years of age or older.
- c. Within fourteen (14) days after receipt of a recommendation from the Superintendent that a student be permanently excluded from public school attendance, the Board may adopt a resolution requesting the Superintendent of Public Instruction to permanently exclude the student who is the subject of the recommendation from public school attendance, only after review and consideration of all of the following available information:
  1. The academic record of the student and a record of any extracurricular activities in which he/she was previously involved;
  2. The disciplinary record of the student and any available records of his/her prior behavioral problems other than the behavioral problems contained in the disciplinary record;
  3. The social history of the student;
  4. The student's response to the imposition of prior discipline and sanctions imposed for behavioral problems;
  5. Evidence regarding the seriousness of and any aggravating factors related to the offense that is the basis of the resolution seeking permanent exclusion;
  6. Any mitigating circumstances surrounding the offense that gave rise to the request for permanent exclusion;
  7. Evidence regarding the probable danger posed to the health and safety of other students or of school employees by the continued presence of the student in a public school setting;
  8. Evidence regarding the probable disruption of the teaching of any graded course of study by the continued presence of the student in a public school setting;
  9. Evidence regarding the availability of alternative sanctions of a less serious nature than permanent exclusion that would enable the student to remain in a public school setting without posing a significant danger to the health and safety of other students or of school employees and without posing a threat of the disruption of the teaching of the district's graded course of study.

If the Board does not adopt a resolution requesting the Superintendent of Public Instruction to permanently exclude the student, it shall immediately send written notice of that fact to the Superintendent, to the student who was the subject of the proposed resolution, and to that student's parent, guardian, or custodian.

If the Board adopts a resolution requesting the Superintendent of Public Instruction to permanently exclude the student, the Board shall immediately forward to the Superintendent of Public Instruction the written resolution, proof of the conviction or adjudication that is the basis of the resolution, a copy of the student's entire school record, and any other relevant information, and shall forward a copy of the resolution to the student who is the subject of the recommendation and to his/her parent, guardian, or custodian.

The Board shall designate a representative to present its case for permanent exclusion to the Superintendent of Public Instruction or referee appointed by him/her. At the adjudication hearing held pursuant to O.R.C. §3301.121, the representative of the Board shall present evidence in support of the requested permanent exclusion.

#### Recommendation for Revocation of Permanent Exclusion

The Superintendent, upon determining that the school attendance of a student who has been permanently excluded from public school attendance will no longer endanger the health and safety of other students or school employees, may issue to the Board a recommendation, including the reasons for the recommendation, that the permanent exclusion of a student be revoked and the student be allowed to return to the public schools of the State.

Upon receipt of the recommendation of the Superintendent that the permanent exclusion of a student be revoked, the Board may adopt a resolution by a majority vote of its members requesting that the Superintendent of Public Instruction revoke the permanent exclusion of the student. Upon adoption of the resolution, the Board shall forward a copy of the resolution, the reasons for the resolution, and any other relevant information to the Superintendent of Public Instruction.

#### Probation

A student who has been permanently excluded pursuant to this policy and O.R.C. §3301.121 may request that the Superintendent admit the student on a probationary basis for a period not to exceed ninety (90) school days. Upon receiving the request, the Superintendent and principal may enter into discussions with the student and with the student's parent, guardian, or custodian, or a person designated by the student's parent, guardian, or custodian to develop a probationary admission plan designed to assist the student's probationary admission to the school. The plan may include a treatment program, a behavioral modification program, or any other program reasonably designed to meet the educational needs of the student and the disciplinary requirements of the school.

If the Superintendent, the student, and the student's parent, guardian, or custodian, or a person designated by the student's parent, guardian, or custodian, agree upon a probationary admission plan, the Superintendent shall issue to the Board of Education a recommendation that the student be allowed to attend school within the district under probationary admission, the reasons for the recommendation, and a copy of the agreed-upon probationary admission plan. Within fourteen (14)

days after the Board receives the recommendation, reasons, and plan, the Board may adopt the recommendation by a majority vote of its members. If the Board adopts the recommendation, the student may attend school under probationary admission for a period not to exceed ninety (90) days or any additional probationary period permitted under this policy.

If a student is permitted to attend school under probationary admission pursuant to this policy and fails to comply with the probationary admission plan, the Superintendent may immediately remove the student from the school and issue to the Board a recommendation that the probationary admission be revoked. Within five (5) days after the Board receives the recommendation, the Board may adopt the recommendation to revoke the student's probationary admission by a majority vote of its members. If a majority of the Board does not adopt the recommendation to revoke the student's probationary admission, the student shall continue to attend school in compliance with the probationary admission plan.

If a student who is permitted to attend school under probationary admission pursuant to this policy, complies with the probationary admission plan prepared pursuant to this policy, the student or his/her parent, guardian, or custodian, at any time before the expiration of the ninety (90) day probationary admission period, may request the Superintendent to extend the terms and period of his/her probationary admission for a period not to exceed ninety (90) days or to issue a recommendation that the student's permanent exclusion be revoked and the student be allowed to return to the public schools of the state.

If a student is granted an extension of his/her probationary admission, the student or his/her parent, guardian, or custodian, in the manner described in this policy, may request and the Superintendent and Board, in the manner described, may recommend and grant subsequent probationary admission periods not to exceed ninety (90) days each. If a student who is permitted to attend school under an extension of a probationary admission plan complies with the probationary admission plan prepared pursuant to the extension, he/she or his/her parent, guardian, or custodian, may request a revocation of the student's permanent exclusion in the manner described in this policy.

Any extension of a probationary admission requested by a student, his/her parent, guardian, or custodian, pursuant to this policy shall be subject to the adoption and approval of a probationary admission plan in the manner described in this policy, and may be terminated as provided herein.

If the student has complied with any probationary admission plan and the Superintendent issues a recommendation that seeks revocation of the student's permanent exclusion pursuant to this policy, the student's compliance with any probationary admission plan may be considered along with other relevant factors in any determination or adjudication conducted pursuant to this policy.

Except as provided in this policy, any information regarding the permanent exclusion of a student shall be included in the student's official records, and shall be included in any records sent to any school district that requests the student's records.

When a student, who has been permanently excluded from public school attendance, reaches the age of twenty-two (22) or when the permanent exclusion of a student has been revoked, all references to the permanent exclusion from the student's file shall be removed and destroyed. A student who has reached the age of twenty-two (22) or whose permanent exclusion has been

revoked, may send a written notice to the Superintendent requesting the Superintendent to ensure that the records are removed from the student's file and destroyed. Upon receipt of the request and a determination that the student is twenty-two (22) years of age or older, or that the student's permanent exclusion has been revoked, the Superintendent shall ensure that the records are removed from the student's file and destroyed.

This policy does not and shall not be construed to prohibit any person who has been permanently excluded pursuant to this policy and O.R.C. §3301.121 from seeking a certificate of high school equivalence. A person who has been permanently excluded may be permitted to participate in a course of study in preparation for the tests of general educational development, except that he/she shall not participate during normal school hours in that course of study in any building or structure owned or controlled by this Board of Education.

This policy does not, and shall not be construed to relieve this Board from any requirement under O.R.C. §§2151.357 or 3313.64 to pay for the costs of educating any student who has been permanently excluded pursuant to this policy. Except as otherwise authorized by O.R.C. §§2151.358, 3301.121, and 3313.662, any school employee in possession of or having access to sealed adjudication records of a student that were the basis of the student's permanent exclusion who knowingly releases, disseminates, or makes available for any purpose involving employment, bonding, licensing, or education to any person or to any department, agency, or other instrumentality of the state, or of any of its political subdivisions, any information or other data concerning any arrest, complaint, trial, hearing, adjudication, or correctional supervision, the records of which have been expunged or sealed pursuant to this section, is guilty of divulging confidential information, a misdemeanor of the fourth degree.

The failure of the Superintendent or the Board to provide the information regarding the possibility of permanent exclusion in the notices required by this policy is not jurisdictional, and the failure shall not affect the validity of any suspension or expulsion procedure that is conducted in accordance with this policy or the validity of a permanent exclusion procedure that is conducted in accordance with O.R.C. §§3301.121 and 3313.662.

### **Dangerous Weapons, Criminal Acts, and Bomb Threats**

The Board is committed to providing the students of the district with an educational environment which is free of the dangers of firearms, knives and other dangerous weapons in the schools.

The definition of a firearm shall include 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 firearm silencer; or any destructive device (as defined in 18 U.S.C.A. Sections 921-924), which includes but is not limited to any explosive, incendiary, or poisonous gas; bomb, grenade, or 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.

Students are prohibited from bringing or possessing a firearm or an object indistinguishable from a firearm, whether or not the object is capable of being fired, on school property, in a school vehicle (including a school bus), to an interscholastic competition, an extracurricular event, or to any other

school sponsored program or activity that is not located in a school or on property that is owned or controlled by the district. If a student brings or possesses a firearm on school property, in a school vehicle, to an interscholastic competition, an extracurricular event, or to any school program or activity that is not located in a school or on property that is owned or controlled by the district, the Superintendent shall expel the student from school for a period of one (1) calendar year and notify the appropriate criminal justice or juvenile delinquency authorities. Any such expulsion shall extend, as necessary, into the school year following the school year in which the incident occurred. The Superintendent may reduce this requirement on a case-by-case basis in accordance with state law and this policy.

Matters which might lead to a reduction of the expulsion period include: An incident involving a disabled student and the incident is a manifestation of the disability; the age of the student and its relevance to the punishment; the prior disciplinary history of the student; and/or the intent or motivation of the student.

Students are also prohibited from bringing to or possessing knives on school property, in a school vehicle, at an interscholastic competition, an extracurricular event, or at any school program or activity sponsored by the school district or in which the district is a participant. The definition of a knife includes, but is not limited to, a cutting instrument consisting of a sharp blade fastened to a handle which is capable of causing serious bodily injury. If a student brings or possesses a knife on school property, in a school vehicle or to any school-sponsored activity, the Superintendent may expel the student from school for a period not to exceed one (1) calendar year, with the same expulsion implications as noted above.

The Board extends the right to expel a student for reasons beyond the possession of a firearm or knife. Students who possess or use other dangerous weapons, which are defined but not limited to, metal knuckles, straight razors, explosives, noxious irritation or poisonous gases, poisons, drugs or other items possessed with the intent to use, sell, harm, threaten or harass students, staff members, parents or community members, may be subject to expulsion.

The Superintendent may also expel a student for a period not to exceed one (1) calendar year for committing an act that is a criminal offense when committed by an adult and that results in serious physical harm to persons or property while the student is at school, on any other property owned or controlled by the Board, or at any interscholastic competition, extracurricular event, or any other school program or activity. Any expulsion shall extend as necessary into the school year following the school year in which the incident occurred, and may be reduced by the Superintendent on a case-by-case basis for the reasons set forth above.

Finally, the Superintendent may expel a student for a period of one (1) calendar year for making a bomb threat to a school building or to any premises at which a school activity is occurring at the time of the threat. Any expulsion shall extend as necessary into the school year following the school year in which the incident occurred, and may be reduced by the Superintendent on a case-by-case basis for the reasons set forth above.

### **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.

### **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 students upon request.

### **Corporal Punishment**

The use of corporal punishment as a means of discipline is prohibited in the Fairview Park City School District. This policy shall not prohibit teachers, principals, administrators, and non-licensed employees from using such force and restraint as is reasonable and necessary to quell a disturbance threatening physical injury to others, to obtain possession of weapons or other dangerous objects, for the purpose of self-defense, or for the protection of persons or property as provided in O.R.C. §3319.41(G).

### **Student Handbooks**

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

### **Student Seeking Admission From Another District**

The Fairview Park City School District may temporarily deny admittance to any student who is otherwise entitled to be admitted to a public school if the student has been suspended or expelled from the schools of another district in the State of Ohio or an out-of-state district and if the period of the suspension or expulsion has not expired.

The student and parent(s) will be provided an opportunity for a hearing upon their request. The hearing will be held before the Superintendent or designee to determine if the student should be admitted before the end of his/her suspension or expulsion time frame.

The Superintendent will determine the admittance or non-admittance of the student.

### **Community Service in Conjunction With or in Place of a Suspension or Expulsion**

The Superintendent may require a student to perform community service in conjunction with or in place of a suspension or expulsion imposed pursuant to this Board Policy and O.R.C. §3313.66, except for an expulsion imposed pursuant to O.R.C. §3313.66(B)(2) for bringing a firearm to school or any other property owned or controlled by the Board. The community service requirement may be imposed by the Superintendent under the following guidelines:



1. The organization operating the community service program must be approved by the Board for student participation.
2. The community service requirement may be imposed beyond the end of the school year in lieu of applying an expulsion into the following school year.

### **In-School Suspension**

If a student is issued an in-school suspension, the student shall be permitted to complete any classroom assignments missed because of the in-school suspension. Furthermore, the Superintendent or principal shall ensure the student is serving the in-school suspension in a supervised learning environment.

LEGAL REFS: O.R.C. §3313.66; 3313.661; 3313.668

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