

STUDENT DISCIPLINE
(Expulsion, Suspension, Emergency Removal, Permanent Exclusion, and Alternate Discipline)

During the time of suspension, expulsion, or removal, the student (if he/she is 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 which is missed due to out-of-school suspension and which is not completed by the student per Paragraph C.11 below. 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 and other personnel of the School 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.

When vehicles are used for field trips and other Board activities, the teacher, coach, advisor, or other Board employee shall be responsible for student discipline.

The School may deny credit for post-secondary courses, any portion of which were taken during the period of an expulsion imposed by the Executive Director or Board.

A. Definitions

1. Suspension is defined as the denial to a student for a period of at least one but not more than ten 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 school days but not exceeding the greater of 80 school days, or one 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 of permission to be on school premises or at curricular activities 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 school day.
5. 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.
6. In-School Suspension means a suspension served in a supervised learning environment within a school setting in the School.

B. Expulsion

1. As the Executive Director is the equivalent of the Superintendent, only the Executive Director may expel a student.
2. Whenever an incident occurs that may lead to an expulsion, the principal may suspend a student prior to the expulsion hearing.
3. The Executive Director 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 Executive Director 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 student and the parent, guardian, custodian or representative to appear on request before the Executive Director 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 Executive Director 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 nor later than five school days after the notice is given unless the Executive Director grants an extension of time. Whenever a student has attained 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 student is 16 years of age or older, the notice shall include a statement that the Executive Director may seek the permanent exclusion of the student if he/she is convicted or adjudicated a delinquent child for that violation.
4. The Executive Director or designee may grant an extension of time if requested on behalf of the student. If granted, the Executive Director must notify all parties of the new date, time, and place of the hearing.
5. The Executive Director 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 Executive Director decides to expel, within one school day of the decision to expel, the Executive Director must notify the parent, guardian, or custodian of the student and the Fiscal Officer of the Board 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 Executive Director 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 student, parent, guardian, or custodian to appeal to the Board or its designee within 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 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 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 16 years of age or older.

- f. Notification that the Executive Director may seek the student'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 16 years of age or older, if the child is convicted or adjudicated a delinquent child for that violation.
 - g. If the Executive Director expels a student for more than 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 14 days of receipt of the notice of expulsion.
9. A student or his/her parent, guardian, or custodian may appeal the expulsion to the Board 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.
10. A verbatim record shall be made of the hearing.
11. 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 expulsion.
12. The action of the Board or its designee on the expulsion must be in a public meeting.
13. The Fiscal Officer or the Board's designee shall promptly notify the student, parent, guardian, custodian, or representative in writing of the decision.
14. The decision of the Board or its designee may be further appealed to the Court of Common Pleas under O.R.C. Chapter 2506.
15. The Executive Director, at his/her discretion, may require/allow a student to perform community 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 Executive Director 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 Executive Director shall impose the expulsion for the same length of time as a student who has not withdrawn from school.

C. Suspension

1. The Executive Director, principal, assistant principal, or Executive Director's designee are the only school administrators who may suspend a student.
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 Executive Director or 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 16 years of age or older, the notice may include a statement that the Executive Director may seek to permanently exclude the student if he/she is convicted or adjudicated a delinquent child for the violation.
 - a. The student shall be provided an opportunity to appear at an informal hearing before the Executive Director, principal, assistant principal, or Executive Director'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.
 - b. Whenever a student has attained 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 school day of the decision to suspend, the Executive Director, principal, assistant principal, or Executive Director's designee must notify the parent, guardian, or custodian of the student of the action to suspend in writing. If at the time a 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 Executive Director shall not

apply any remaining part or all of the period of the suspension to the following school year. The Executive Director 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 of summer break. The School, 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 School 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.

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 student, parent, guardian, or custodian to appeal to the Board or its designee within five (5) days after 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 or its designee and request the hearing be held in executive session.
 - f. Notification that the Executive Director 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 16 years of age or older, if the child is convicted or adjudicated a delinquent child for that violation.
5. A verbatim record of the appeal hearing shall be made.
 6. 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.
 7. The action of the Board or its designee on the suspension must be in a public meeting.

8. The Fiscal Officer or the Board's designee shall promptly notify the student, parent, guardian, custodian, or representative in writing of the decision.
9. The decision of the Board or its designee may be further appealed to the Court of Common Pleas under O.R.C. Chapter 2506.
10. The Executive Director, at his/her discretion, may require/allow a student to perform community 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.
11. Parameters for Completing and Grading Assignments Missed Due to Suspension
 - a. A student who has been suspended from school shall have the opportunity to do both of the following:
 - i. Complete any classroom assignments missed because of the suspension; and
 - ii. Receive at least partial credit for a completed assignment.
 - b. 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.

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 student from curricular activities under his/her supervision, but not from the premises.
 - b. During school hours the student 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 school day then a due process hearing must be held on the next school day after removal is ordered.

- i. 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.
 - 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 Executive Director 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 student 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 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 Executive Director or a principal may remove a student from the school premises.
- b. If it is intended that the student be removed for more than one school day, a due process hearing must be held on the next school day after the removal is ordered.
 - i. 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.
 - 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 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.
- 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 school day and is not subject to suspension or expulsion, the due process requirements of this policy do not apply.

E. 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 School 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 School 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 School 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 School 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 School's mental health professional shall, in any manner that does not result in a financial burden to the School, 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 School 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.

F. 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 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 into a school safety zone;
 - 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 a Board of Directors;
 - 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 a Board of Directors;
 - 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 a Board of Directors;

- 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 a Board of Directors, if the victim at the time of the commission of the act was an employee of that Board of Directors:
 - 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) former 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 a Board of Directors.
2. If the Executive Director 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 16 years of age or older or was adjudicated a delinquent child for the commission, when he/she was 16 years of age or older, of a violation listed in the section on reasons for permanent exclusion, the Executive Director may issue to the Board a request that the student be permanently excluded from public school attendance in accordance with O.R.C. §3313.662.

G. Disabled Students

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

H. Corporal Punishment

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

I. 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 School and made available to students upon request.

J. 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.

K. Student Seeking Admission From Another Ohio School

After a hearing, the Executive Director may temporarily deny admittance to a student seeking to enroll in the School if the student has been expelled or suspended from another Ohio School 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.

L. Student Seeking Admission From an Out-of-State School

After a hearing, the Executive Director may also temporarily deny admittance to a student seeking to enroll in the School if the student has been expelled or otherwise 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 school; or
2. The expiration of a period of time established by the Executive Director 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.

M. Community Service in Conjunction With or in Place of a Suspension or Expulsion

The Executive Director 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 Executive Director 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.

N. 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 Executive Director 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; 3313.613, 3313.668

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