

STUDENT CODE OF CONDUCT

This code shall serve as a guide to all North Olmsted 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. North Olmsted 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 Board official or the property of such employee or Board 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.

STUDENT CONDUCT

(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 school district reserves the right to prosecute any violators.

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

LEGAL REFS: ORC 3313.20; 3313.534; 3313.66; 3313.661; 3313.662
 OAC 3301-35-03

CROSS REFS: North Olmsted City School District Bylaws & Policies:
 5000 – STUDENTS; all subcodes; and student handbooks

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. Instead, minor violations will ordinarily result, in the first instance, in sanctions such as detentions, evening school, in-school 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 without authorized excuse.
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 provision of 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, bullying 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 have electronic devices such as cellular telephones, electronic games, iPods, radios, tape decks, CD players, beepers, televisions, cameras, or tape recorders during the school day including on school transportation without prior permission from an administrator. The administration reserves the right to confiscate any items considered inappropriate for a school setting. The district assumes no responsibility for damage, loss, or theft of prohibited items brought onto school property.
11. Failure to complete detention: Detentions are assigned to students as a measure to correct inappropriate behavior.
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, bullying 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, bullying 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.

II. SUSPENSIONS

Pursuant to Section 3313.66 of the Ohio Revised Code, the North Olmsted Board of Education Superintendent or a School Principal, Assistant Principal, or Associate 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, Assistant Principal, or Associate 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 use, possession, consumption, purchase or attempt to purchase tobacco products or tobacco substitute products or paraphernalia in a school building (owned, leased or contracted for by the Board), on school premises, on or near a school campus, a school bus or other vehicle, or at any Board-sponsored event or at any sanctioned school activities on or off the school campus is prohibited. Tobacco products or paraphernalia include, but are not limited to: cigarettes, cigars, pipe tobacco, chewing tobacco, snuff or any other matter or substances that contain tobacco, papers used to roll cigarettes, tobacco substitutes and/or electronic "vapor" or other substitute forms of cigarettes, clove cigarettes, or other lighted smoking devices for burning tobacco or any other substance.
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.
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 either personally owned or school-owned computers or other electronic devices in a manner that violates the school's Acceptable Use Policy. Likewise, student owned electronic devices, which require prior permission before being brought onto school grounds, are subject to the AUP provisions.
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 a North Olmsted 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. Additionally, students shall not use proxy servers, anonymizers, or similar products/sites in order to circumvent Internet filtering, to access inappropriate web sites, or to attempt intrusion or unauthorized access to district servers or services. Restitution of costs for repair or replacement will be part of the disciplinary action.
26. Unauthorized Video or Audio Recording: The use of an audio recorder or video camera or other device capable of video or audio recording requires written permission of the teacher or responsible staff member before recording activity in any classroom or similar area. Video of any activity in halls or common areas, such as but not limited to, cafeteria or gymnasium requires permission of a school administrator.
27. Unauthorized Video Transmission: The video capture of any activity within the school building or on school grounds, planned or spontaneous, requires administrative approval prior to any transmission or posting to a public site.
28. Commission of any of the acts of misconduct specified in Section III of this policy, dealing with grounds for expulsion.
29. Failure to complete minor disciplinary sanction: A student who fails to complete an assigned minor disciplinary sanction, such as Saturday School, in-school discipline, or a school work option will be subject to suspension.
30. 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.

III. EXPULSION

Expulsion may be imposed for violations of rules and regulations appearing in the Code of Conduct or in Board of Education policies. Pursuant to Section 3313.66 of the Ohio Revised Code, the North Olmsted 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.

The following violations may subject the offender to expulsion of up to one 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),
- Violations of the weapons in schools policy with regard to a firearm or knife,

Making a bomb threat to a school building or any premises where a school activity is taking place.

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.

Misconduct For Which Expulsions May Be Imposed

31. Abusive, harassing, 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 harassment based upon sex, race, gender, sexual orientation, ethnicity, nationality, language, age, religion, physical appearance, or physical or mental capacity and including violence within a dating relationship) to any individual or group or intimidation and/or threats to an individual or group. This includes publication or distribution of materials meeting this description whether printed or electronically formulated. A student may be subject to suspension and/or expulsion for a violation of this section, including any harassment or bullying by an electronic act. Further, a student may be subject to suspension and/or expulsion for making a false report of harassment, intimidation or bullying.
32. 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. Such damage prohibition also applies to electronic items either on removable media, computers, or servers. Restitution of damages will be part of the disciplinary action. *The district reserves the right to prosecute any violators.*
33. Fireworks and explosives: Students shall not possess, use, threaten use of, handle, transport, sell, conceal, ignite, or explode fireworks/explosives of any kind.
34. Assault: To cause or to attempt or to threaten to cause physical injury to any person.
35. 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.
36. Involvement with weapons or dangerous instruments: In accordance with Board Policy 5610, 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, firearms, 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. "Firearm" is defined as any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or 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. The definition of a "knife" includes, but is not limited to a cutting instrument consisting of a sharp blade fastened to a handle. In accordance with Board policy 5610, weapons violations may result in expulsion of up to one (1) full year.

37. 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.
38. Involvement with drugs and 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 or except in accordance with applicable legal requirements. 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.
39. Theft of school or private property/possession of stolen property: Students shall not knowingly possess stolen school property or the private property of others.
40. Arson/attempted arson/possession of incendiary device: Setting fires or use or possession of any incendiary device is prohibited.
41. 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.
42. Extortion: Students shall not engage in any act, either verbal, written, or physical, to secure or attempt to secure property.
43. 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. Any bomb threat to a school building or to any premises at which a school activity is occurring at the time of the threat may result in a one-year expulsion.
44. 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.
45. 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
46. 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.
47. Sexual harassment: Students who engage in sexual harassment will be subject to appropriate discipline. 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. Sexual harassment may also include 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. 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 Director of Pupil Services 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.

48. 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.
49. 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.
50. 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.

IV. PROCEDURES FOR SUSPENSION, EXPULSION AND EMERGENCY REMOVAL

A. Suspension Procedure

1. The Superintendent, Principal, Assistant Principal, or Associate Principal is authorized to suspend a student. When the Superintendent, Principal, Assistant Principal, or Associate Principal has determined that s/he intends to suspend a student, the administrator must give to the pupil a written notice of the intention to suspend and the reasons for the intended suspension. When the intended suspension is for the following reasons and the student suspended is 16 years of age or over, the notice will indicate the student may also be subject to permanent exclusion from school if the code of conduct violation is one of the following:
 - a. Illegal conveyance or possession of a deadly weapon or dangerous ordnance, carrying a concealed weapon, aggravated trafficking, trafficking in drugs, trafficking involving the possession of a bulk amount of a controlled substance or the sale of a controlled substance; and/or
 - b. Aggravated murder, murder, voluntary or involuntary manslaughter, felonious or aggravated assault, rape, gross sexual imposition or what was formerly known as felonious sexual penetration, if the victim is a district employee.
2. The student will be given an opportunity to appear at an informal hearing before the Principal, Assistant Principal, Associate Principal, or the Superintendent /designee to challenge the reason(s) for the intended suspension or to otherwise explain his/her actions.
3. The Principal, Superintendent, Assistant Principal, or Associate Principal shall within one (1) school day after the time of pupil's suspension, notify in writing the parent, guardian, or custodian of the pupil and the Treasurer of the Board of Education of such suspension.
4. The written notice of the suspension must include: the reasons for the suspension; the inclusive dates of the suspension; a statement that the pupil, parent, guardian, or custodian has the right to appeal the suspension to the Board or its designee, the right to representation in all appeal proceedings, the right to a hearing before the Board or its designee in order to be heard against the suspension, the right to request that the hearing be held in executive session, that the appeal must be filed within three (3) school days after the date of the notice to suspend, and that the appeal must be made in writing and submitted to the Treasurer of the Board or the Superintendent. When the suspension is for one or more of the code of conduct violations listed below and the student is 16 years of age or over, the notice will indicate the student may also be subject to permanent exclusion from school if the student is convicted of or adjudicated a delinquent child for said violation(s):
 - a. Illegal conveyance or possession of a deadly weapon or dangerous ordnance, carrying a concealed weapon, aggravated trafficking, trafficking in drugs, trafficking involving the possession of a bulk amount of a controlled substance or the sale of a controlled substance; and/or
 - b. Aggravated murder, murder, voluntary or involuntary manslaughter, felonious or aggravated assault, rape, gross sexual imposition or what was formerly known as felonious sexual penetration, if the victim is a district employee.
5. At the appeal hearing before the Board of Education or its designee, the pupil, parent, guardian or custodian has the right to parental or legal representation; the right to request that the hearing be held in executive or public session; and the right to be heard against the suspension. The Board of Education/designee may have legal counsel. A verbatim record of the hearing will be made. Verbatim can mean the use of a stenographer, a tape recorder, or other mechanical device.
6. At the request of the pupil, parent, guardian, custodian or legal representative, the Board of Education or its designee may hold the hearing in either public or executive session but shall act upon such suspension only at a public meeting. The Board of Education by majority vote of its full membership or its designee may affirm the order of suspension, or reverse, vacate or modify the order of suspension. The decision of the designee will be reflected on the Board's agenda at its next regular session and will be included in the Board's minutes.
7. The decision of the Board of Education or its designee may be appealed to the Court of Common Pleas under provisions of Ohio Revised Code Chapter 2506.

B. Expulsion Procedure

1. The Superintendent shall give the pupil and his parent, guardian, or custodian written notice of the intention to expel the pupil and the reasons for the intended expulsion. The Superintendent shall institute expulsion proceedings with respect to any student who has committed an act warranting expulsion even if the student has withdrawn from school after the incident but before the hearing or decision to impose the expulsion, and, if warranted after a hearing, shall impose the expulsion as if the student had not withdrawn.

2. The notice to the pupil and his parent, guardian, custodian, or representative, of the intended expulsion shall include notice of the opportunity to appear in person before the Superintendent or his designee at an informal hearing to challenge the reasons for the intended expulsion, or to otherwise explain the pupil's actions, and the time and place for the hearing.
3. The notice of intended expulsion must also state the time and place to appear at an informal hearing to challenge the possible expulsion. The informal hearing must not be scheduled less than three (3) school days or later than five (5) school days after the notice is given, unless the Superintendent grants an extension of time at the request of the pupil or his parent, guardian, custodian, or representative. If an extension is granted after giving the original notice, the Superintendent shall notify the pupil and his parent, guardian, custodian, or representative of the new time and place to appear.
4. When the grounds for the proposed expulsion is for one or more of the following reasons and the student is 16 years of age or older, the notice will indicate the student may also be subject to permanent exclusion from school if the code of conduct violation is one of the following and if the student is convicted of or adjudicated a delinquent child for said reason(s):
 - a. Illegal conveyance or possession of a deadly weapon or dangerous ordnance, carrying a concealed weapon, aggravated trafficking, trafficking in drugs, trafficking involving the possession of a bulk amount of a controlled substance or the sale of a controlled substance; and/or
 - b. Aggravated murder, murder, voluntary or involuntary manslaughter, felonious or aggravated assault, rape, gross sexual imposition or what was formerly known as felonious sexual penetration, if the victim is a district employee.
5. Within one (1) school day after the informal hearing invoking an expulsion the Superintendent shall notify in writing the parent, guardian or custodian of the pupil and the Treasurer of the Board of Education of the expulsion. The notification must include the reasons for the expulsion and notice of the following rights: the rights of the pupil, parent, guardian, or custodian to appeal to the Board of Education or its designee, the right to representation in all appeal proceedings, the right to a hearing before the Board or its designee in order to be heard against the expulsion, and the right to request that the hearing be held in executive session. The notice shall further state that the appeal must be filed within fourteen (14) calendar days after the date of the notice of expulsion, and that the appeal must be made in writing and submitted to the Treasurer of the Board of the Superintendent. When the expulsion is for one or more of code of conduct violations listed below and the student is 16 years of age or over, the notice will indicate the student may also be subject to permanent exclusion from school if the student is convicted of or adjudicated a delinquent child for said violation(s):
 - a. Illegal conveyance or possession of a deadly weapon or dangerous ordnance, carrying a concealed weapon, aggravated trafficking, trafficking in drugs, trafficking involving the possession of a bulk amount of a controlled substance or the sale of a controlled substance; and/or
 - b. Aggravated murder, murder, voluntary or involuntary manslaughter, felonious or aggravated assault, rape, gross sexual imposition or what was formerly known as felonious sexual penetration, if the victim is a district employee.

In addition, if the expulsion is 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 must provide the student and the student's parent or guardian with information about services or programs offered by public and private agencies 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. The information shall include the names, addresses, and phone numbers of the appropriate public and private agencies.
6. The Board of Education or its designee shall act on the expulsion only at a public meeting. The Board or its designee may have legal counsel at the hearing. The Board, by majority vote of its full membership, or its designee may affirm the order of expulsion or may reinstate such pupil or otherwise reverse, vacate or modify the order of expulsion. The decision of the designee will be reflected on the Board's agenda at its next regular session and will be included in the Board's minutes.
7. The Board of Education or its designee shall make a verbatim record of hearings held under this provision. Verbatim can mean the use of a stenographer, a tape recorder, or other mechanical device. The decision of the Board of Education or its designee is appealable to the Court of Common Pleas under provision of Chapter 2506, Ohio Revised Code.
8. High school credit and credit under joint enrollment post-secondary programs may be denied for the period of any expulsion. Notice of the expulsion will be sent to any college in which the expelled student is enrolled.
9. Notice of any expulsion for violations of the dangerous weapons policy or for possession of alcohol or drugs of abuse shall be sent to the Registrar of Motor Vehicles and the Cuyahoga County Juvenile Judge.

C. Emergency Removals 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, 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 an in-school suspension and is not subject to further suspension or expulsion, the due process requirements do not apply.

If a student is removed by emergency removal, 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 (Policy 5610).

V. EFFECT OF SUSPENSION AND EXPULSION

1. Students suspended out-of-school or expelled are not to be anywhere on school property during the entire time of their suspension or expulsion.
2. Students suspended out-of-school or expelled are not permitted to attend or participate in any school activities or events during the suspension or expulsion.
3. Students suspended out-of-school or expelled may not participate in athletic contests or practices during the suspension or expulsion.
4. Students suspended out-of-school or expelled do not have the right to make up work nor do they receive credit for the work which was missed. Students suspended out-of-school may, however, ask the teacher for the work to do on their own.
5. Parents are requested to keep their students at home during suspension and expulsion times and direct their students in a work/study environment.
6. Should a parent or guardian have any questions regarding an out-of-school suspension or expulsion, the parent/guardian is encouraged to contact the school office.
7. Exceptions to this policy/procedure may be considered for special circumstances such as for taking state tests, SAT and ACT tests.