

SECTION 270

STUDENT DISCIPLINE/PROCEDURE

All students are expected to conform to the Student Code of Conduct at School, on the School premises, at School activities or functions whether on or off the School premises and on transportation to and from School, if paid for or provided by the School and are subject to the School's disciplinary process when they fail to do so. Students may also be subject to the School's disciplinary process for a violation of the Student Code of Conduct, regardless where it occurs, if the misconduct is directed at School Staff or their property.

Progressive DisciplineFirst Level Offense

1. Teacher explains or reviews class and School rules and warns the student of possible consequences.
2. Teacher applies appropriate in school consequences.

Second Level Offense

1. Teacher applies appropriate consequences, including longer time-outs, or alternate areas for reflection, loss of privileges, detention, etc.
2. Teacher personally communicates the problem(s) with the student's parent(s).
3. Teacher sends a written report home and a copy to the office.

Third Level Offense

If actions taken at Levels 1-2 have not corrected the inappropriate behavior, or, if the student engaged in serious act(s) of misconduct for his or her grade level, the Principal may suspend the student from School, not to exceed ten School days, subject to Policy 273.

Fourth Level Offense

Subject to Policy 273, if actions taken at Levels 1-3 have not corrected the inappropriate behavior, or, if the student engaged in serious act(s) of misconduct for his or her grade level, the highest level administrator of the School likened to a Superintendent may expel the student from School, not to exceed 80 days, unless one year is specifically authorized, or, unless the student is permanently excluded under Policy 273.

Progressive discipline levels may be skipped for serious acts of misconduct at the discretion of the Principal and/or the highest level administrator of the School likened to a Superintendent.

Firearm	Bringing a firearm to the School or onto School Property (any Property owned, used, or leased by the School for School, School extracurricular or School-related events).	1 year mandatory expulsion.	1 year mandatory expulsion.	1 year mandatory expulsion.
	Bringing a firearm to an interscholastic competition, an extracurricular event, or any other School program or activity that is located at a School or on School property.	Level 4 disciplinary action and 1 year discretionary expulsion.	Level 4 disciplinary action and 1 year discretionary expulsion.	Level 4 disciplinary action and 1 year discretionary expulsion.
	Possessing a firearm at School, on School Property or at an interscholastic competition, an extracurricular event, or any other School program or activity which firearm was initially brought onto School Property by another person.	Level 4 disciplinary action and 1 year discretionary expulsion.	Level 4 disciplinary action and 1 year discretionary expulsion.	Level 4 disciplinary action and 1 year discretionary expulsion.
Gang Activity	No student shall be involved in initiations, hazing, intimidations and/or related activities of group affiliations which are likely to cause bodily danger, physical harm, or personal degradation or disgrace resulting in physical or mental harm to Students or Staff. No Student shall wear, carry or display gang paraphernalia or exhibit behaviors or gestures which symbolize gang membership or cause and/or participate in activities which intimidate or affect the attendance of another student. See also Gang Policy.	Levels 1-3	Level 2-4	Level 3-4
Homework	Daily homework assignments are an extension of, and reinforce class work, and may be assigned Monday through Friday evenings. The amount of homework and time required for its completion will depend on the grade level of the student and the type of skill or content being developed. All homework must be completed in a timely manner, as determined by the classroom teacher. Repeated failure to timely complete homework is of great concern, and may result in appropriate disciplinary measures.	Level 1	Level 1-2	Level 2 -3

Obscenities/ Verbal Abuse/ Vulgarity	Directing obscene, abusive, vulgar, profane, harassing, insulting, racial, sexual, religious, or ethnic slurs, written or verbal, toward School personnel or any member of the School community. This shall include use of obscene gestures and signs that willfully intimidate, insult, or in any other manner, abuse others.	Level 1-2 disciplinary action.	Level 2-4 disciplinary action.	Level 3-4 disciplinary action.
Physical Contact	Participating in unacceptable physical contact, including but not limited to fighting, pushing, intentionally hurting other students. See also Fighting Policy.	Level 1-3 disciplinary action.	Level 2-4 disciplinary action.	Level 3-4 disciplinary action.
Refusal to Do Classroom Work	The refusal to complete work, labs, projects, or other assignments given by the teacher.	Level 1 disciplinary action.	Level 2 disciplinary action.	Level 3 disciplinary action.
Minor Safety	Students shall be concerned about their own safety and that of others. Student actions that may be considered a minor safety risk include, but are not limited to: <ul style="list-style-type: none"> • Talking during safety drills • Running, pushing, yelling, or other inappropriate behaviors • Any inappropriate playground behaviors • Minor insubordination to adults 	Level 1 disciplinary action.	Level 2 disciplinary action.	Level 2-4 disciplinary action.
Major Safety	Behavior that creates a more severe possibility of harm to oneself or others, including but not limited to <ul style="list-style-type: none"> • Leaving the school building or grounds without permission • Other acts which could harm the student or others 	Level 2-4	Level 2-4	Level 2-4
Sale, Use, Possession, or Distribution of Alcohol, Drugs, or other Chemical Controlled Substances	Using, selling/purchasing, distributing, possessing, or attempting to possess, mood altering chemicals, or substances (including counterfeit or look-alike substances), distributing any narcotics, drugs, controlled substances of any kind, or alcoholic beverages, or other intoxicant on School property or at School functions or event. See also Drugs and Alcohol.	Level 3-4 disciplinary action.	Level 3-4 disciplinary action.	Level 4 disciplinary action.

Theft	Stealing, attempting to steal, possessing or transferring School or private property, or participating in the theft or attempted theft of School or private property.	Level 1 disciplinary action.	Level 2 or 3 disciplinary action.	Level 3 or 4 disciplinary action.
Toys or Play Objects	<p>School is a place of learning. Distractions cause students to be inattentive. Therefore students are to keep all toys or play objects at home unless the teacher designates a specific day for sharing what a student owns. If a Student chooses to share a toy or other object on such an occasion, the School is not responsible for these items. Violations include but are not limited to:</p> <ul style="list-style-type: none"> • Bringing toys or distracting objects to school • Creating toys or distracting objects at school 	Level 1 disciplinary action.	Level 1-2 disciplinary action.	Level 1-2 disciplinary action.
Truancy	Habitual or chronic absence from School or class without legitimate excuse and failure to follow proper attendance check-in/check-out and absence procedures. See also Truancy Policy.	Disciplinary action consistent with Truancy Policy.	Disciplinary action consistent with Truancy Policy.	Disciplinary action consistent with Truancy Policy.
Violating Classroom Rules	Not following the classroom rules as determined by the classroom teacher.	Level 1 disciplinary action.	Level 2-3 disciplinary action.	Level 2-4 disciplinary action.

It is desirable and advisable that the School maintain a good relationship with police, the Court, parole officers, Children's Services Board, and other agencies that deal with the public welfare, insofar as it benefits and protects the student, the School, personnel, School property, and the home.

Whenever a law enforcement officer (including police, parole, children's services, Board, or other agency representative) calls at the School in the performance of duty, the officer shall, upon arrival, be required to:

1. contact the proper school official;
2. produce satisfactory personal identification indicating the source of authority; and
3. state the purpose of business with the School.

In cases where the officer requests permission to question a student during School hours, the Principal or his/her designee shall first contact the parent or guardian for permission to question the student, and the parent or guardian shall be given the opportunity to be present during the questioning. The student shall then be called to the office for the interview.

The Principal or his/her designee shall remain present during the questioning, to represent the best interests of the School and may facilitate the interview or otherwise assist the student and parent or guardian if it seems advisable.

If the parent or guardian gives permission for the interview to take place, but cannot be present, or waives that right, then the Principal or his/her designee must be present to facilitate the interview or otherwise assist the student to the best of their ability. The student may specifically request another counselor or teacher to be present also.

If the parent or guardian refuses permission to question the student during School hours or cannot be contacted, the officer shall be informed of this, and the student shall not be called to the office for the interview.

In any case in which the officer wishes to take the student from School premises for questioning, permission from the parent or guardian to release the student to the officer shall be secured by the Principal or his/her designee. However, if the officer actually arrests the student for the commission of a crime, the student is to be released, even though the parents or guardians cannot be reached for notification; or, having been reached, refuse consent.

Notwithstanding anything to the contrary in this policy, if a student is being questioned as a potential victim, and the officer states that law enforcement feels it inadvisable or inappropriate to contact a parent or guardian or have a parent or guardian present, the School will comply with the law enforcement officer and allow questioning of the student at the direction of the officer, provided the Principal or his/her designee is present to the fullest extent allowed by the officer.

Statutory regulations concerning the rights of students as citizens shall be observed at all times and complied with by both law enforcement and school officials. Students are entitled to full protection under the law.

All types of officers and agency representatives shall be required to follow the procedures described in this Policy.

The Principal or his/her designee may suspend a student for up to ten (10) school days. The person designated as Superintendent in OEDS-R (hereafter "Superintendent") may expel a student for up to eighty (80) school days, and in some instances, one (1) year. Provided however, beginning with the 2019-2020 school year neither the Principal nor the Superintendent shall initiate the process of issuing an out-of-school suspension or expulsion to students in grades pre-kindergarten through three, unless the student has committed a firearm, bomb-threat, or knife offense; or other criminal offense that results in serious bodily injury or property damage; or where the student's out-of-school suspension or expulsion is necessary to protect the immediate health and safety of the student, fellow classmates, or school personnel. The Principal or Superintendent may not suspend, expel, or remove any student from School solely on the basis of the student's unexcused absences from School.

In the event that, in the opinion of the Principal or his/ her designee, a student's presence at the School creates a health risk, presents a danger to other persons or property or seriously disrupts the functions of the School, the student may be removed from the premises without formal suspension or expulsion procedures. A removed student in grades pre-kindergarten through three may be removed for the remainder of the school day and shall be permitted to return to curricular and extracurricular activities on the following school day without a hearing, unless the student's conduct warranting the emergency removal is likely to result in an out-of-school suspension or expulsion. Students in grades four through twelve may be removed, and must be provided with notice and procedures to follow the removal in accordance with R.C. 3313.66, including a hearing on the next school day following the removal.

A student shall be expelled for one (1) year for bringing a firearm to the School or onto school property (any property owned, used, or leased by the School for School, School extracurricular, or School-related events).

A student may also be expelled for a period not to exceed one (1) year for:

1. bringing a firearm to an interscholastic competition, an extracurricular event, or any other School program or activity that is located at a School or on school property;
2. bringing a knife to the School, onto school property, or to an interscholastic competition, an extracurricular event, or any other program or activity sponsored by the School or in which the School is a participant;
3. possessing a firearm or knife at School, on school property, or at an interscholastic competition, an extracurricular event, or any other School program or activity which firearm or knife was initially brought onto school property by another person;
4. committing an act that is a criminal offense when committed by an adult that results in serious physical harm to persons or serious physical harm to property;
5. 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.

A 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 silencer, or any destructive device. A destructive device, includes but is not limited to, any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four (4) ounces, missile having an explosive or incendiary charge of more than one quarter ounce, mine, or other similar device.

A knife is defined as any cutting instrument consisting of at least one sharp blade that is capable of causing serious bodily injury.

The specific circumstances under which the Superintendent may modify a one (1) year expulsion could include:

1. a recommendation from the group of persons knowledgeable of the student's educational needs in accordance with the Individual with Disabilities Education Act;
2. the student was unaware that s/he was possessing a firearm or knife;
3. the student did not understand that the item s/he possessed was considered a firearm or knife;
4. the student brought the item to School as part of an educational activity and did not realize it would be considered a firearm or knife; and
5. the student may be eligible for participation in an alternative program.

A student may be expelled for up to eighty (80) days for serious misconduct or rules violations, or for other just cause.

During the period of suspension, removal, or expulsion, the student may not attend or participate in any School functions without permission from the Principal. The student may enter School facilities only when given permission by Principal or if accompanied by a parent or guardian who accepts responsibility for the student's actions and/or behavior at the facility.

Students issued an in-school suspension shall serve suspensions in a supervised learning environment and may be permitted to complete any classroom assignments missed because of the suspension. While serving an out-of-school suspension, the Board [does or does not] authorize students to receive instructional services from the School. If students are authorized to receive instructional services from the School, then such instructional services may include completing of tests and exams; homework packets; individual tutoring; library or online assignments; essay on behavior leading to suspension; and grading of all work. Any student serving an out-of-school suspension shall be permitted to complete any classroom assignment missed due to the suspension and receive at least partial credit for the completed assignment; however, the student may receive a reduced assignment grade on account of the suspension. The School will not automatically award a failing grade on any complete assignment solely based on the student's suspension.

The Board also authorizes the Principal to suspend a student from any or all co-curricular or extra-curricular activities for misconduct or rules violations. The length of suspension shall be determined by the Principal commensurate with the seriousness of the student's misconduct or rules violations in accordance with the Code of Conduct. Participation in extra-curricular activities is a privilege and not a right. Accordingly, students prohibited from participating in all or part of any extra-curricular activity are not entitled to notice, hearing, or appeal rights.

If the Principal determines that a student's behavior on a School vehicle violates School rules, s/he may suspend the student from School bus riding privileges for the length of time deemed appropriate for the violation and remediation of the behavior.

The Board authorizes the Principal the option to require a student to perform community service or another alternative consequence in conjunction with, or in place of, a suspension or expulsion, except when an expulsion is imposed for bringing a firearm to School or onto school property.

The Board designates the Superintendent or his/her designee as its representative at all hearings regarding the appeal of a suspension, provided the Principal and Superintendent are not the same person. If the Principal and Superintendent are the same person, the Board, a committee of the Board, or _____, an administrator who is not involved in the suspension decision, will hear the appeal of the suspension.

The Board, a committee of the Board, or _____, an administrator who is not the Superintendent and is not involved in the expulsion, will hear the appeal of an expulsion.

The Superintendent shall be responsible for implementing this policy and ensuring compliance with applicable laws.

A copy of this Policy is to be posted in common areas of the School and made available to students and parents upon request.

Due Process Rights

Suspension

The following procedure does not apply to in-school suspensions. The Principal may suspend a student if the following procedure is met:

1. Prior to the imposition of the suspension, a written Notice of Intent to suspend will be given to the student, which contains the following:
 - a. The reasons for the intended suspension; and
 - b. If the suspension is based on one of the serious criminal offenses for which permanent exclusion is allowed, and if the student is age 16 or older, the notice must also indicate the possibility that the Superintendent may seek permanent exclusion.
2. Beginning with the 2019-2020 school year, if the student is in grades pre-kindergarten through three, whenever possible, the Principal shall consult with a mental health professional under contract with the School, if any, prior suspending the student.* If the events leading up to the suspension indicate a need for additional mental health services, the Principal or 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.
3. The student must be allowed an informal hearing before the Principal or his/her designee to challenge the reasons for the intended suspension or otherwise explain his/her actions. The student is not entitled to call witnesses at this informal hearing.
4. Within one school day after the suspension is imposed, the Principal or his/her designee shall provide written notification of the suspension to the parent, guardian, or custodian. The notice must contain the following:
 - a. The reasons for the suspension;

- b. Notification of the right to appeal to the Board of Directors or its designee. The intent to appeal must be in writing and received by the Board of Directors within 14 days after receiving the notice.
- c. The right to representation at all appeals;
- d. The right to a hearing before the Board or its designee; and
- e. The right to request that the hearing be held in executive session.

If the suspension is based on one of the serious criminal offenses for which permanent exclusion is allowed, and the student is age 16 or older, the notice must also indicate the possibility that the Superintendent may seek permanent exclusion.

If an out-of-school suspension is imposed during the last ten (10) days of the school year, the suspension will not be carried over into the following school year. However, the Principal may require the student to participate in a community service program or another alternative consequence for the number of hours equal to the remaining part of the period of the suspension, during the first full week day of the summer break. If the student fails to complete the community service or alternative consequence, the School may determine the next course of action, provided however, that the School not require the student to serve the remaining time of the out-of-school suspension at the beginning of the following school year. The Principal or his/her designee may develop an appropriate list of alternative consequences.

Expulsion

Only the Superintendent may expel a student. The following procedure is required:

1. Prior to the imposition of the expulsion, the Superintendent must provide not only the student, but also the parent, guardian, or custodian written notice of his intention to expel. The notice must include the following:
 - a. The reasons for the intended expulsion; and
 - b. The time and place for a hearing, which must be not less than three nor more than five school days after giving the notice, unless the period is extended by the Superintendent at the request of the student, his parent, custodian, guardian, or representative. The parent, guardian, or custodian must be sent written notice of any extension, and the subsequent notice should contain the same information required in the original notice.
 - c. If the student is age 16 or older and the expulsion is for one of the serious criminal offenses for which permanent exclusion is allowed, the notice must also indicate the possibility that the Superintendent may seek permanent exclusion.
2. Beginning with the 2019-2020 school year, if the student is in grades pre-kindergarten through three, whenever possible, the Superintendent shall consult with a mental health professional under contract with the School, if any, prior to expelling the student.* If the events leading up to the expulsion indicate a need for additional mental health services, the Superintendent or 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.
3. A hearing must be scheduled not less than three or more than five school days after giving the notice, for the student and his parent, guardian, custodian or representative to appear in person before the Superintendent to challenge the reasons for the expulsion or otherwise explain his/her actions.

4. Within one school day after the expulsion is imposed, the Superintendent shall provide written notification to the parent, guardian, or custodian of the student and the treasurer of the Board of Directors of the expulsion. The notice must include the following:
 - a. The reasons for the expulsion;
 - b. Notification of the right to appeal to the Board of Directors or its designee. The intent to appeal must be in writing and received by the Board of Directors within 14 days after receiving the notice.
 - c. The right to representation at all appeals;
 - d. The right to an appeal hearing before the Board or its designee;
 - e. The right to request that the hearing be held in executive session;
 - f. If the expulsion is based on one of the serious criminal offenses for which permanent exclusion is allowed, and the student is age 16 or older, the notice must also indicate the possibility that the Superintendent may seek permanent exclusion;
 - g. When the Superintendent expels a student for more than twenty days or for any period of time extending into the next semester or school year, the School shall provide, along with this notice, the student and his parent, guardian, or custodian with information about services or programs offered by public and private agencies that work toward improving those aspects of the student's attitudes and behaviors that contributed to the incident giving rise to the expulsion. The information must include names, addresses, and phone numbers or the appropriate public and private agencies.

During the period of expulsion, the School may, but is not required to, continue educational services in an alternative setting.

The Superintendent is required to follow through on expellable offenses even if the student in question withdraws from the School prior to the hearing or the Superintendent's decision.

The Superintendent may apply any remaining part or all of the period of expulsion into the following year.

*A community school, community school governing authority, or community school employee is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from a school employee's decision not to provide or procure mental health services for a suspended or expelled student in any of grades pre-kindergarten through three, unless the decision is made with malicious purpose, in bad faith, or in a wanton or reckless manner.

Prohibition of Corporal Punishment

All teachers, administrators, non-licensed school employees, and school bus drivers are prohibited from inflicting or causing to be inflicted corporal punishment as a means of discipline upon a pupil attending the School. However, they may, within the scope of their employment, use and apply such amount of 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 upon the person or within the control of the pupil, for the purpose of self-defense or for the protection of persons or property.

R.C. 3313.66-.662; R.C. 3313.668; R.C. 3321.13(B)(4); R.C. 4510.32(B); 20 USC 7961(b)(1)

See Appendix 273-A Notice of Intended Suspension from School; Appendix 273-B Notice of Emergency Removal and Intent to Suspend from School; Appendix 273-C Notice of Suspension from School; Appendix 273-D Notice of Rights Re: Suspension from School; Appendix 273-E Notice of Intended Expulsion from School; Appendix 273-F Notice of Emergency Removal and Intent to Expel from School; Appendix 273-G Notice of Expulsion from School; Appendix 273-H Notice of Rights Re: Expulsion from School (for Use for Expulsions of 20 School Days or Less Only); and Appendix 273-I Notice of Rights Re: Expulsion from School (for Use for Expulsions of More than 20 School Days Only).



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12/14/2020