

# Students' Rights and Responsibilities Handbook



Upper Arlington, Ohio City School District

2009–2010 Academic Year

# The Upper Arlington City Schools

## Pillars of Ethical Behavior

### **Fairness & Justice**

- know and do the right things
- treat all people fairly
- acknowledge the rights of others

### **Respect for Self & Others**

- exercise self discipline
- make informed decisions that show respect for your physical, mental, and emotional well-being, especially in the areas of alcohol, tobacco, and other drug use and sexual behavior
- be courteous and polite
- have respect for property
- display considerate behavior towards others
- use respectful language

### **Responsibility**

- be accountable for your actions
- think before you act
- be reliable
- set a good example
- acknowledge mistakes

### **Trustworthiness**

- be honest
- do your own work
- have integrity
- keep your promise
- be loyal

### **Caring & Compassion**

- treat others as you wish to be treated
- demonstrate kindness

### **Citizenship**

- respect authority/obey the law
- practice good sportsmanship
- respect the service and sacrifice of others for the good of our country
- do your share
- provide service and charity to your community
- be environmentally responsible

September, 2009

Dear Upper Arlington Families:

The educational opportunities for Upper Arlington's young people continue to be rich and extensive. Indeed, freedom of access to such educational opportunities is perceived to be a right of the children and young people of the community.

Along with such a right there are many responsibilities. If the right of the individual to learn is to be protected, each must accept responsibilities so that the processes for teaching and learning will be orderly and productive.

Since the early 1970's, many local citizens have participated in the development of policy statements and administrative guidelines that have been intended to spell out the many rights related to receiving a good education and the responsibilities inherent in these rights. This edition of the *Students' Rights and Responsibilities Handbook* of the Upper Arlington City School District is the twenty-sixth printing of the students' rights and responsibilities policies and administrative guidelines, originally adopted by the Board in May 1972 with recent revision in August 2007 and 2008.

In an effort to keep our rights and responsibilities policies and guidelines worded so that they deal with timely situations, the original policies and guidelines have been amended eleven times and have undergone three major revisions in both form and substance. These changes over time have been made as a result of major processing by students, faculty, administrators, citizens, and the Board. The current reprinting included recent adoptions of Board policies. Please understand that the Board may revise its policies as necessary, and those revisions may not appear in this printed document. However, any such revisions will appear in the on-line version of the Board's policies which you may access at [www.uaschools.org](http://www.uaschools.org).

I believe you will find the total document to be a fair one that will assist in providing the best possible educational environment for both students and teachers. I encourage students and their parents or guardians to study the handbook carefully, raise questions about those areas that may be unclear, appreciate the rights identified, and accept the responsibilities necessary to produce a wholesome learning environment.

Jeffrey W. Weaver, Ph.D.  
Superintendent of Schools

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## INTRODUCTION

Freedom is a constitutional right, and the United States Supreme Court has said, "Neither the Fourteenth Amendment nor the Bill of Rights is for adults alone." Freedom, however, does not connote the absence of reasonable rules and regulations that guide the actions of individuals. Freedom in society cannot exist apart from authority because authority is the basis of human association. Authority is derived from justice, and effort should be made to ensure that fairness accompanies firmness.

Along with freedom comes the commensurate responsibility to act in a manner that will ensure that all participants will enjoy the same freedom. Students have the responsibility to pursue their education in the District in a manner that shows respect for other students, staff, parents or guardians, and citizens. Students should be aware that they do have a responsibility to cooperate with and to assist the school staff in the orderly and efficient conduct of the schools. Students are responsible for abiding by the rules and regulations established by the Board and implemented by teachers and school administrators.

During the day-to-day conduct of the schools, the Board believes that teachers and administrators have both the right and the responsibility to exercise their best professional judgment in determining what action must be taken when dealing with students as problems arise, as long as the actions of the teachers and administrators are consistent with the provisions thereof.

The following guidelines will help to clarify the roles and expectations of each of the constituent groups within the school community.

### 1. Board

In order to provide an appropriate educational opportunity for each student, the Board should set forth reasonable rules and expect their enforcement. These rules are intended to:

- a. maintain an appropriate educational environment, conducive to learning;
- b. provide for the safety of the school population;
- c. protect the rights of all students; and
- d. assist in fostering a sense of responsibility in all students.

### 2. Parents/Guardians

Cooperation from parents or guardians in the following areas is requested:

- a. respect the rights and inherent dignity of students, school employees and all other individuals;
- b. teach their children respect for teachers, school authorities and other students as well as for school rules, laws and property;
- c. arrange for prompt and regular attendance of their children;
- d. understand and explain the rules of the school to their children and cooperate with the school in the implementation of these rules;
- e. respond to communications from the school when applicable; and
- f. involve appropriate outside agencies and personnel in resolving problems after referral by school staff.

### **3. Students**

- a. respect the rights and inherent dignity of fellow students, teachers, principals and authorities;
- b. obey school rules and respect school property;
- c. be prompt and regular in attendance at school and be prepared for all classes; and
- d. accept, after having been informed of their responsibilities, the consequences of their behavior.

### **4. Teachers**

- a. respect the rights and the inherent dignity of the students, parents or guardians, school employees, and all other individuals;
- b. establish, explain, maintain and enforce classroom rules consistent with Board policy and building guidelines; and
- c. discuss and refer to appropriate personnel, those problems requiring specialized attention and accept the responsibility or sharing in planning a program to help students.

### **5. Non-Teaching staff**

- a. respect the rights and the inherent dignity of students, parents or guardians, school employees, and all other individuals;
- b. explain, maintain, obey and enforce school rules and regulations consistent with building procedures and Board policy; and
- c. discuss and refer to appropriate personnel those problems requiring specialized attention.

### **6. Administrators**

- a. respect the rights and the inherent dignity of students, parents or guardians, school employees and all other individuals;
- b. exercise and/or properly delegate authority granted by the Board and law;
- c. establish, explain, maintain and enforce school building rules consistent with Board policy; and
- d. discuss and refer to appropriate personnel those problems requiring specialized attention and accept responsibility for sharing in planning a program to help students and teachers.

## STUDENTS' RIGHTS AND PRIVILEGES

### ACCESS TO AN EDUCATION

The State of Ohio, as provided for in Article VI, Section 2, of the Ohio Constitution, has established and must maintain a public school system. Except as specifically provided for in relevant chapters of the Ohio Revised Code, all persons age five through age twenty-two whose parents or guardians are residents of the District are entitled to attend the District without charge.

1. All students - irrespective of sex, race, creed, or national origin are entitled to take the same courses of instruction and to use the facilities of the District.
2. All parents or guardians have the right of access to school records concerning their children (see Appendix A).

Along with the students' right to equality of educational opportunity, however, students in the District have a dual responsibility: (1) to apply themselves to the best of their ability to gain maximum benefit from the educational opportunities guaranteed to them, and (2) not to interfere with the right of others to the same opportunity. Reasonable and necessary order within the educational institution is essential to fostering and to maintaining educational opportunity. Students may forfeit their right to educational opportunities when their conduct is such that it substantially disrupts the educational process and deprives others of their rights.

The Board shall make such rules and regulations as are necessary for the governance of its employees, students, and all other persons entering upon its property or premises.

1. Rules and regulations regarding students' rights and responsibilities shall be available in all school buildings and the central administration office.
2. Students, parents or guardians, and teachers shall be given the opportunity to participate in formulating suggested rules and regulations to be presented to the Board.
3. Students identified as eligible for services under the Individuals with Disabilities Education Act and/or Section 504 of the Rehabilitation Act of 1973 will be disciplined pursuant to the **Students' Rights and Responsibilities Handbook** consistent with Board policy regarding special education students and consistent with state and federal law.
4. The right of appeal is guaranteed to all students (see Appendix B). This right may be exercised in situations involving disciplinary action as well as when students or their parents or guardians believe the rights or privileges have been violated.

## FREEDOM OF EXPRESSION

### Expression by Speech

Schools, by their nature, must encourage free inquiry and free expression of ideas. Oral expression is needed as a learning mechanism and as a psychological outlet. Schools should provide opportunities for students to express themselves orally.

- a. Students have the right to free and dynamic expression of ideas. Such expression shall include the personal opinion of students. Controversial ideas are not to be avoided. The Board may regulate oral expression that would cause material and substantial disruption of the educational process, is vulgar and/or offensive or is inconsistent with the basic educational mission of the District.
- b. Students shall not be encouraged or forced, by any means, to accept a purely personal and arbitrary opinion or idea.
- c. Some time shall be available in the classroom for students to be responsible for the learning experience by means of oral expression.
- d. A forum for the expression of legitimate students' concerns shall be established and maintained in the high school and middle schools. The forum shall be attended by appropriate staff representatives when in session. It is recommended that each school follow one (1) of the two (2) methods described below when establishing a forum:
  1. a student council; or
  2. a panel of students, parents or guardians, teachers and administrators.
- e. The following are regulations for speakers in schools:
  1. Persons not employed by the individual school who desire to speak to any portion of the student body, in the school building or on the school grounds, must be first approved by the school's principal. Denial of approval must be based on reasonable and objectively justifiable grounds.
  2. Persons employed by the individual school who desire to speak to a large portion of the student body, in the school building or on the school grounds, must first be approved by the school's principal.
  3. Persons employed by the individual school who desire to speak to a classroom or to an organization must first be approved by the classroom teacher or organization advisor/coach.
- f. The following are regulations controlling announcements in school:
  1. Persons not employed by the individual school must submit an application to the Office of the Superintendent in order to distribute written announcements. Public address announcements must be approved by the building principal or designee.



2. Persons employed by the individual school must have the approval of the building principal or designee before presenting a written or verbal announcement to a large portion of the student body.
3. Persons employed by the individual school must have the approval of the classroom teacher or the organization advisor/coach before presenting a written or verbal announcement to a class of students or to an organization.
4. If the request to make an announcement is refused, the request may be amended and resubmitted.

### **Expression By Writing**

The rights of all citizens of the United States relative to freedom of the press are clearly laid down in the Constitution. Students of the District shall have the right to express themselves freely in written publications. Students shall be afforded opportunities to contribute to written publications, such as pamphlets, newspapers, yearbooks, and announcements, so that students may gain experience in understanding the rights and responsibilities incumbent upon individuals who write for the public. The Board may regulate written expression that would cause material and substantial disruption of the educational process, is vulgar and/or offensive or is inconsistent with the basic educational mission of the District.

The following guidelines shall give direction to the preparation of publications of school-sponsored organizations:

- a. Ongoing publications prepared by members of the student body for distribution to other students and to faculty shall be under the supervision of one (1) or more advisors.
- b. Care shall be taken to guarantee that legitimate forms of expression on the part of students are not stifled.
- c. Care shall be taken to ensure anonymity of all persons when articles deal with personal and/or sensitive issues.
- d. The person(s) designated as editor or co-editors shall determine content of student publications.
- e. The editor or co-editors and editorial staff shall be responsible for the accuracy, fairness, objectivity, final review and preparation of the articles for the paper under the direction of the appointed faculty advisor(s).
- f. Articles that have been reviewed and rejected by the editor, co-editors, editorial staff, and/or advisor shall be returned to the authors. Authors may reconsider the content, amend the article, and resubmit it.
- g. Space is to be reserved in the paper for the signed comments or opinions of non-staff students.
- h. Student publications shall not print unprotected speech.
- i. Student publications will not be reviewed by the Board or administrators prior to publication unless requested by the faculty advisor(s) and/or the editor(s) or co-editor(s).

The following guidelines shall give direction to the preparation and distribution of publications of non-school-sponsored organizations:

- a. A volunteer faculty advisor shall be nominated by the student group and approved by the school principal to work with any student group wishing to distribute publications in the school.
- b. Students shall not solicit advertising from business or professional persons or from community groups.
- c. Students shall not solicit funds or services from citizens of the community; however, funds or services may be obtained from the parents or guardians of students involved.
- d. The person(s) designated as editor or co-editors shall bear full responsibility for content.
- e. The publication shall be printed outside the school.
- f. The manner of distribution in the school shall be in accordance with the guidelines by the school principal and agreed to by the Board.
- g. All persons contributing articles to such publications shall acknowledge authorship of said articles.
- h. No rules or regulations shall be made concerning the distribution of literature off school grounds.

### **Symbolic Expression**

Symbolic expressions are defined herein as expressions, exclusive of verbal expressions, that convey the personal ideas, feelings, attitudes, or opinions of individuals in a manner more remote but no less valid than verbal expressions themselves. Under this definition, some element of subjectivity is attached to the concept of symbolic expression. If some form of symbolic expression is used, consideration must be given to the intention of the persons who are expressing themselves in an ostensibly symbolic manner.

Further the Board has the right to regulate symbolic expression that may cause material and substantial disruption to the educational process, is vulgar and offensive or is inconsistent with the basic educational mission of the District.

The Board recognizes the general rights of students to regulate their appearance, within the bounds and standards of common decency and modesty. Therefore, regulations covering the four (4) stated types of symbolic expressions – hair, clothing, buttons, badges, and other symbols, and physical gestures – shall be directed at preventing only those situations wherein such expression:

- a. causes material and substantial disruption of the educational process;
- b. invades the rights of other students and faculty;
- c. prevents the Board from carrying out statutory obligations or undermines educational or other programs undertaken in accordance with same;

- d. may cause accidents or endanger the health or physical well-being of students or faculty; or
- e. is vulgar, offensive or inconsistent with the basic educational mission of the District.

The Board believes that the primary responsibility for dress, grooming, and overall appearance of students rests with the parents or guardians of individual students and with the students.

### **Symbolic Expression Through Hairstyle**

- a. Hairstyle shall not be regulated unless and until it materially and substantially disrupts the educational process.
- b. Some school programs – such as industrial arts, laboratory activities, physical education, and interscholastic athletics – may require special hair care to ensure the health and the safety of students.

### **Symbolic Expression Through Clothing**

- a. Dress resulting in exhibitionism shall be prohibited. The following are examples of unacceptable dress for school or school events:
  - 1. Tube tops, bare midriffs, bare or uncovered backs, and see-through mesh shirts unless worn with an acceptable shirt/blouse. (Note: For specific events such as the prom, the principal may suspend certain parts of these dress prohibitions.)
  - 2. Pants worn in a manner that exposes the buttocks.
- b. Distracting types of clothing, jewelry and/or body piercing shall be prohibited when such clothing, jewelry and/or body piercing materially and substantially disrupts the educational process.
- c. Dress prompting and/or advertising alcohol, tobacco, drugs or dress that is sexually explicit shall be prohibited.
- d. Footwear shall be worn at all times. Some school programs require special footwear to ensure health and the safety of students.
- e. Due regard shall be given to common rules of cleanliness and to health standards.

### **Symbolic Expression Through Buttons and Badges**

- a. Students have the right to wear any insignia as long as it does not cause material and substantial disruption of the educational process, is not vulgar and/or offensive and is consistent with the basic educational mission of the District.
- b. The wearing of any insignia with libelous or obscene words, phrases, or pictures is prohibited.
- c. Insignias promoting and/or advertising alcohol, tobacco, or other drugs shall be prohibited.

## **Symbolic Expression Through Physical Gestures**

- a. Gestures that convey a connotation of obscene, intimidating, or disrespectful acts or that infringe on the rights of others are forbidden.
- b. Politically oriented gestures are permitted unless such gestures are given to call for or to begin an overt and immediate disruption of the educational process.
- c. A student has the right to refrain from saluting the flag, from repeating the Pledge of Allegiance, or from singing the National Anthem.

## **FREEDOM OF ASSEMBLY**

The First Amendment to the Constitution of the United States guarantees the right to assemble peacefully. The only restriction is if in exercising this right the assembly substantially interferes with the rights and freedoms of other citizens. Schools should make time available for orderly and peaceful assemblies, the terms "orderly and peaceful" refer only to the form of the assembly and not to the topic. Topics of a highly controversial nature may be debated during assemblies. This is an excellent opportunity for students to participate in a relevant and practical exercise in citizenship and the democratic decision-making process.

### **Planned Assemblies**

- a. Time during and outside school hours shall be made available for student assemblies to deal with relevant ideas and topics.
- b. In the elementary and middle schools, attendance at school-sponsored assemblies during school hours shall be mandatory. Examples, band concerts, plays and lectures.
- c. In the senior high school, attendance at school-sponsored assemblies during school hours may be optional. The building principal will decide if attendance is required.

R.C. 3313.20

## **PRIVILEGE OF PARTICIPATION**

In addition to the rights already described in this handbook, all students in the District have the privilege of participation in school government and other extracurricular activities.

1. For the purposes of this handbook, extracurricular activities, including school government, interscholastic and intramural athletics, and clubs are those activities which are not an extension of the classroom. Participation in these activities is considered a privilege and not a right because participation does not affect a student's grades or credits earned.
2. Students in grades seven through twelve must earn at least a 2.0 grade point average in the most recently recorded grading period to be eligible to participate in extracurricular activities (see Appendix D). Students in grades 7-12 are also subject to the Athletic Code and rules of the Ohio High School Athletic Association (see Appendix E).

## **A. School Government**

Participation in the daily governance of a school is an obvious and practical way to instruct students in sound principles of citizenship. These experiences need to be carefully guided. Schools are encouraged to find new ways to involve students in practical exercises in citizenship through participation in school government.

1. School governance activities shall be open to all students meeting the academic eligibility requirements.
2. The organization, operation, and scope of the student government shall be specified in a written constitution that will be formulated through effective student participation.
3. The student government shall be given the opportunity to deal directly with problems that involve the needs and desires of the student body.
4. The student government shall have a faculty advisor. Its membership shall adequately and fairly represent the entire student body.
5. The statements, votes, decisions, or actions of a student government representative shall not adversely effect his/her grades, course credits, graduation, or any other aspect of his/her academic standing to the extent they are consistent with other provisions of this Handbook.
6. Ad hoc committees of students appointed by the student government or by the principal shall be involved in the problem solving process of the school.
7. Each school building shall have a principal's advisory council whose primary goal, through better communication, is to aid administrators in making decisions affecting the students. The purpose will be to promote discussion between students and administrators regarding problems or concerns of students, teachers, or administrators.
8. The Board shall set aside time on a regular basis, during public meetings, to listen to student representatives.

## **B. Other Extracurricular Activities**

The Board recognizes that a complete extracurricular program based upon student interest assists in the total education of students. While emphasis is given to intellectual growth, diversified opportunities must be provided for students who wish to participate in the program. All such programs must contribute to the goals of general education to justify their existence in the educational program.

1. The purposes of the extracurricular program are:
  - a. to afford an opportunity for participation by all students who desire to take part and meet the academic standards for eligibility;
  - b. to allow the participant to develop maximum self-potential;
  - c. to create an atmosphere that will promote a positive social attitude.

2. Each building principal is responsible for the entire extracurricular program of the school. The principal shall take a leadership role in initiating, improving, and terminating activities for both boys and girls in such a way that consideration given both to expressed student interests and to the principal's judgment regarding the kinds of activities that should be provided and promoted in school.
3. The advisor of each activity shall submit to the principal, in writing, purposes and objectives for the activity. Rules and regulations written for each activity must reflect and be consistent with the stated purposes and objectives, with the functional involvement of students in the activities, and with Board policies. These statements shall be reviewed annually by the principal with the advisor, and are subject to review by the Superintendent if the principal or Superintendent desires a review. The statements must be on file in the building housing the program and in the Superintendent's office.
4. Activities must be carefully organized and administered for both boys and girls with regard of facilities, times allotted and equipment. Consideration shall be given to expressed interest and to the number of participants. However, facilities should not be preferentially used for an individual activity with regard to preferred times and total time of use.
5. Interscholastic athletic programs should be limited to grades seven through twelve. Elementary (K-6) activities in the field of athletics should be limited to skill development and to intramural programs commensurate with the physical and psychological development of the girls and boys.
6. All participants will be subject to the rules and regulations of the respective state and national organizations if the school that the participants attend is a member of said organizations.
7. Participants will be advised in writing of all regulations by their respective advisors or coaches prior to their participation in order for each student to determine the feasibility of his/her participation.
8. Rules may be amended by the advisor or coach with the concurrence of the principal. Participants must be notified of such changes immediately.

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## **STUDENT DISCIPLINE**

The Board of Education acknowledges that conduct is closely related to learning - an effective instructional program requires an orderly school environment and the effectiveness of the educational program is, in part, reflected in the behavior of students.

The Board believes that the best discipline is self-imposed and that students should learn to assume responsibility for their own behavior and the consequences of their actions. The Board has zero tolerance of violent, disruptive or inappropriate behavior by its students.

The Board shall require each student of this District to adhere to the Student Code of Conduct/Student Discipline Code adopted by the Board and to submit to such disciplinary measures as are appropriately assigned for infraction of those rules. Such rules shall require that students:

- a. conform to reasonable standards of socially acceptable behavior;
- b. respect the person and property of others;
- c. preserve the degree of order necessary to the educational program in which they are engaged;
- d. respect the rights of others;
- e. obey constituted authority and respond to those who hold that authority.

The Student Code of Conduct/Student Discipline Code designates sanctions for the infractions of rules, excluding corporal punishment, which shall:

- a. relate in kind and degree to the infraction;
- b. help the student learn to take responsibility for his/her actions;
- c. be directed, where possible, to reduce the effects of any harm which may have been caused by the student's misconduct.

Students may be prohibited by authorized school personnel from participating in all or part of co-curricular and/or extra-curricular activities without further notice, hearing or appeal rights. A student who has been disorderly on a school bus may be suspended from transportation services consistent with Board policy and the Student Code of Conduct/Student Discipline Code.

The Superintendent shall publish to all students and their parents the rules of this District regarding student conduct and the sanctions, which may be imposed for breach of those rules.

The Superintendent shall inform the Board periodically of the methods of discipline imposed by this District and the incidence of student misconduct in such degree of specificity as shall be required by the Board.

The Superintendent, principals, and other administrators shall have the authority to assign discipline to students, subject to the Student Code of Conduct/Student Discipline Code and, where required by law, to the student's due process right to notice, hearing, and appeal.

Teachers, school bus drivers, and other employees of this Board 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.

Discipline on Board vehicles shall be the responsibility of the driver on regular bus runs. When Board vehicles are used for field trips and other Board activities, the teacher, coach, advisor, or other Board employee shall be responsible for student discipline. If a student becomes a serious discipline problem on a vehicle, the Superintendent and/or his/her designee may suspend the transportation privileges of the student providing such suspension conforms with due process. The procedures for suspension are set forth in the Student Code of Conduct/Student Discipline Code and Board Policy 5611 – Due Process Rights.

No student is to be detained after the close of the regular school day unless the student's parent has been contacted and informed that the student will be detained. If a parent cannot be contacted, the student should be detained on another day.

R.C. 3313.20, 3313.66, 3313.661, 3315.07, 3327.041

A.C. 3301-35-03(G), 3301-83-08

5610

### **REMOVAL, SUSPENSION, EXPULSION, AND PERMANENT EXCLUSION OF STUDENTS**

The Board of Education recognizes that exclusion from the educational program of the schools, whether by emergency removal, out-of-school suspension, expulsion, or permanent exclusion, is the most severe sanction that can be imposed on a student in this District, and one that cannot be imposed without due process. However, the Board has zero tolerance of violent, disruptive or inappropriate behavior by its students.

No student is to be removed, suspended out-of-school, expelled and/or permanently excluded unless his/her behavior represents misconduct as specified in the Student Code of Conduct/Student Discipline Code approved by the Board. The Code shall also specify the procedures to be followed by school officials when implementing such discipline. In addition to the procedural safeguards and definitions set forth in this policy and the student/parent handbook, additional procedures and considerations shall apply to students identified as disabled under the IDEA, ADA, and/or Section 504 of the Rehabilitation Act of 1973. [See Policy 5605, "Suspension/Expulsion of Students with Disabilities."]

Students may be subject to discipline for violation of the Student Code of Conduct/Student Discipline Code even if that conduct occurs on property not owned or controlled by the Board but where such conduct is connected to activities or incidents that have occurred on property owned or controlled by the Board, or conduct that, regardless of where it occurs, is directed at a District official or employee, or the property of such official or employee.

For purposes of this policy and the Student Code of Conduct/Student Discipline Code, the following shall apply:

- a. "Emergency removal" shall be the exclusion of a student who poses a continuing danger to District property or persons in the District or whose behavior presents an on-going threat of disrupting the educational process provided by the District. [See Policy 5610.03 "Emergency Removal of Students"]
- b. "Suspension" shall be the temporary exclusion of a student by the Superintendent, principal, assistant principal, or any other administrator from the District's instructional program for a period not to exceed ten (10) school days. Suspension may extend beyond the current school year, if at the time a suspension is imposed, fewer than ten (10) days remain in the school year. The Superintendent may apply any or all of the period of suspension to the following year. The procedures for suspension are set forth in the Student Code of Conduct/Student Discipline Code and Board Policy 5611 "Due Process Rights".
- c. "Expulsion" shall be the exclusion of a student from the schools of this District for a period not to exceed the greater of eighty (80) school days or the number of school days



remaining in a semester or term in which the incident that gives rise to the expulsion takes place or for one (1) year as specifically provided in this policy and the Student Code of Conduct/Student Discipline Code. Only the Superintendent may expel a student. The procedures for expulsion are set forth in the Student Code of Conduct/Student Discipline Code and Board Policy 5611 "Due Process Rights".

**1. Firearm or Knife**

Unless a student is permanently excluded from school, the Superintendent shall expel a student from school for a period of one (1) year for bringing a firearm or knife to a school building or on to any other property (including a school vehicle) owned, controlled, or operated by the Board, to an interscholastic competition, an extra-curricular event, or to any other school program or activity that is not located in a school or on property that is owned or controlled by the Board, except that the Superintendent may reduce this period on a case-by-case basis in accordance with this policy. Similarly, the Superintendent shall expel a student from school for a period of one (1) year for possessing a firearm or knife at school or on any other property (including a school vehicle) owned, controlled, or operated by the Board, at interscholastic competition, an extra-curricular event, or at any other school program or activity that is not located in a school or on property that is owned or controlled by the Board, except the Superintendent may reduce this period on a case-by-case basis in accordance with this policy. The expulsion may extend, as necessary, into the school year following the school year in which the incident that gives rise to the expulsion takes place. The Superintendent shall refer any student expelled for bringing a firearm (as defined in 18 U.S.C. 921(a)(3)) or weapon to school to the criminal justice or juvenile delinquency system serving the District.

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 weapon or cutting instrument consisting of a blade fastened to a handle; a razor blade; or any similar device (including sharp, metal martial arts weapons such as ninja throwing stars) that is used for, or is readily capable of, causing death or serious bodily injury.

The Superintendent may, in his/her sole judgment and discretion, modify or reduce such expulsion in writing, to a period of less than one (1) year, on a case-by-case basis, upon consideration of the following:

- a. Applicable State or Federal laws and regulations relating to students with disabilities (for example, where the incident involves a student with a disability and the misconduct is determined by a group of persons knowledgeable about the child to be a manifestation of the student's disability);
- b. The degree of culpability given the age of the student and its relevance to the misconduct and/or punishment and/or evidence regarding the

probable danger posed to the health and safety of others, including evidence of the student's intent and awareness regarding possession of the firearm or knife; and/or

- c. The academic and disciplinary history of the student, including the student's response to the imposition of any prior discipline imposed for behavioral problems.

## 2. **Violent Conduct**

If a student commits an act at school, on other school property, at an interscholastic competition, extra-curricular event, or any other school program or activity and the act:

- a. would be a criminal offense if committed by an adult;

**and**

- b. results in serious physical harm to person(s) as defined in R.C. 2901.01(A)(5), or to property as defined in R.C. 2901.01(A)(6)

The Superintendent may expel the student for a period of up to one (1) year. The Superintendent may extend the expulsion into the next school year or reduce the expulsion as necessary on a case-by-case basis as specified below. The student need not be prosecuted or convicted of any criminal act to be expelled under this provision.

The Superintendent may, in his/her sole judgment and discretion, reduce such expulsion to a period of less than one (1) year, on a case-by-case basis, upon consideration of the following:

- a. Applicable State or Federal laws and regulations relating to students with disabilities (for example, where the incident involves a student with a disability and the misconduct is determined by a group of persons knowledgeable about the child to be a manifestation of the student's disability);

**or**

- b. other extenuating circumstances, including, but not limited to, the academic and disciplinary history of the student, including the student's response to the imposition of any prior discipline imposed for behavioral problems.

If at the time of the suspension or expulsion, there are fewer days remaining in the school year than the number of days of the suspension or expulsion, the Superintendent may apply any or all of the remaining period to the following school year.

## 3. **Bomb Threats**

If a student makes a bomb threat to a school building or to any premises at which a school activity is occurring at the time of the threat, the Superintendent may

expel the student for a period of up to one (1) year. The Superintendent may extend the expulsion into the next school year or reduce the expulsion as necessary on a case-by-case basis as specified below. The student need not be prosecuted or convicted of any criminal act to be expelled under this provision.

The Superintendent may, in his/her sole judgment and discretion, reduce such expulsion to a period of less than one (1) year, on a case-by-case basis, for the following reasons:

a. for students identified as disabled under the IDEA, ADA, and Section 504 of the Rehabilitation Act of 1973, upon recommendation from the group of persons knowledgeable of the student's educational needs;

**or**

b. other extenuating circumstances, including, but not limited to, the academic and disciplinary history of the student, including the student's response to the imposition of any prior discipline imposed for behavioral problems.

If at the time of the suspension or expulsion, there are fewer days remaining in the school year than the number of days of the suspension or expulsion, the Superintendent may apply any or all of the remaining period to the following school year.

d. "Permanent exclusion" shall mean the student is banned forever from attending a public school in the State of Ohio. See Policy 5610.01)

If a student is expelled for more than twenty (20) school days or for any period of time that extends into the next school year, the Superintendent shall provide the student and his/her parents with the names, addresses, and telephone numbers of those public or private agencies in the community which offer programs or services that help to rectify the student's behaviors and attitudes that contributed to the incident(s) that caused the expulsion.

If the Superintendent 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. Any such suspension must comply with due process and the Student Code of Conduct/Student Discipline Code.

The Board authorizes the Superintendent to provide for options to suspension/expulsion of a student from school which may include alternative educational options.

The Superintendent shall initiate expulsion proceedings against a student who has committed an act that warrants expulsion under Board policy even if the student withdraws from school prior to the hearing or decision to impose the expulsion. The expulsion must be imposed for the same duration it would have been had the student remained enrolled.

The Board may temporarily deny admittance to any student who has been expelled from the schools of another Ohio district or an out-of-state district, if the student's expulsion period set by the other district has not expired. The expelled student shall first be offered an opportunity for a hearing. This provision also applies to a student who is the subject of a power of attorney designating the child's grandparent as the attorney-in-fact or caretaker authorization affidavit

executed by the child's grandparent and is seeking admittance into the schools of this District in accordance with Policy 5111.

The Board may temporarily deny admittance to any student who has been suspended from the schools of another Ohio district, if the student's suspension period set by the other district has not expired. The suspended student shall first be offered an opportunity for a hearing before the Board.

When a student is expelled from this District, the Superintendent shall send written notice to any college in which the expelled student is enrolled under Postsecondary Enrollment Options at the time the expulsion is imposed. The written notice shall indicate the date the expulsion is scheduled to expire and that the Board has adopted a provision in Policy 2271 under R.C. 3313.613 to deny high school credit for postsecondary courses taken during an expulsion.

If the expulsion is extended, the Superintendent shall notify the college of the extension.

A copy of this policy is to be posted in a central location in each school and made available to students and parents upon request. Key provisions of the policy should also be included in the parent-student handbook.

R.C. 2919.222, 3313.534, 3313.649, 3313.66, 3313.661, 3313.662, 3313.663

R.C. 3313.664, 3321.13 (B)(3) and (C), 3327.014

18 U.S.C. Section 921

20 U.S.C. 3351, 20 U.S.C. 7151, 20 U.S.C. 8921

5610.01

### **PERMANENT EXCLUSION OF NONDISABLED STUDENTS**

In accordance with the law, the Board of Education may seek to permanently exclude a student, sixteen (16) years of age or older, who has been convicted of or adjudicated delinquent for the reason of the following offenses:

- a. carrying a concealed weapon or conveying or possessing a deadly weapon or dangerous ordnance on property owned or controlled by a board of education or at an activity held under the auspices of this Board
- b. possessing, selling, or offering to sell controlled substances on property owned or controlled by a board of education or at an activity under the auspices of this Board
- c. complicity to commit any of the above offenses, regardless of where the complicity occurred

In accordance with law, any student, sixteen (16) years of age or older, who has been convicted or adjudicated delinquent for committing the following offenses may be subject to permanent exclusion:

- a. rape, gross sexual imposition or felonious sexual penetration
- b. murder, manslaughter, felonious or aggravated assault

- c. complicity to commit offenses described in paragraphs A and B, regardless of where the complicity occurs

The above statement of policy on permanent exclusion is to be posted in a central location in each school as well as made available to students, upon request.

If the Superintendent has adequate evidence that a student, sixteen (16) years old or older at the time of the offense, has been convicted of or is an adjudicated delinquent resulting from any of the above offenses, s/he shall submit a written recommendation to the Board that the student should be permanently excluded from the public schools by the State Superintendent of Public Instruction. The recommendation is to be accompanied by the evidence, other information required by statute, and the name and position of the person who should present the District's case to the State Superintendent. The Board, after considering all the evidence, including the hearing of witnesses, shall take action within fourteen (14) days after receipt of the Superintendent's recommendation.

If the Board adopts the resolution, the Superintendent shall submit it to the State Superintendent, together with the required documents and the name of the person designated by the Board as its representative to present the case to the State Superintendent. A copy of the resolution shall be sent to both the student and his/her parents.

If the Board fails to pass the resolution, it shall so notify the Superintendent, in writing, who, in turn, shall provide written notification of the Board's action to both the student and his/her parents.

If the State Superintendent rejects the Board's request, the District Superintendent shall readmit the student in accordance with statute and District guidelines.

If the State Superintendent acts on the Board's request, his/her actions and those of the District shall be in accord with the procedures described in statute.

R.C. 2151.27, 2903.03-.04, 2903.11-.12, 2907.02, 2907.05, 2907.12, 2923.12

R.C. 2923.22, 2925.03, 2923.01-.02, 2923.122

R.C. 3313.66, 3313.661, 3313.662

5610.02

### **IN-SCHOOL DISCIPLINE**

It is the purpose of this policy to allow for an alternative to out-of-school suspension. The availability of in-school discipline options is dependent upon the financial ability of the Board of Education to support them.

In-school discipline will only be offered at the discretion of the principal for offenses found in the Student Code of Conduct/Student Discipline Code.

The Superintendent is to establish administrative guidelines for the proper operation of such programs. As long as the in-school disciplinary alternatives are served entirely in the school setting, they will not require any notice, hearing or appeal rights.

R.C. 3313.66, 3313.661

### **EMERGENCY REMOVAL OF STUDENTS**

If a student's presence poses a continuing danger to persons or property, or an ongoing threat of disrupting the academic process taking place either in a classroom or elsewhere on school premises, then the Superintendent, principal or assistant principal may remove the student from curricular activities or from the school premises. A teacher may remove the student from curricular activities under the teacher's supervision, but not from the premises. If a teacher makes an emergency removal, the teacher will notify a building administrator of the circumstances surrounding the removal in writing, as soon as practicable. No prior notice or hearing is required for any removal under this policy. In all cases of normal disciplinary procedures where a student is removed from a curricular activity for less than one (1) school day and is not subject to further suspension or expulsion, the following due process requirements do not apply.

If the emergency removal exceeds one (1) school day, then a due process hearing will be held within three (3) school days after the removal is ordered. Written notice of the hearing and the reason for the removal and any intended disciplinary action will be given to the student as soon as practical prior to the hearing. If the student is subject to out-of-school suspension, 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/her actions. Within one (1) school day of the decision to suspend, written notification will be given to the parent(s)/guardian(s) or custodian of the student and Treasurer of the Board of Education. This notice will include the reasons for the suspension, the right of the student or parent(s)/guardian(s) to appeal to the Board or its designee and the student's right to be represented in all appeal proceedings. If it is probable that the student may be subject to expulsion, the hearing will take place within three (3) school days and will be held in accordance with the procedures outlined in the Policy 5611 – Due Process Rights. The person who ordered or requested the removal will be present at the hearing.

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

R.C. Chapter 2506, 3313.66, 3313.661, 3313.662

### **PROHIBITION FROM EXTRA-CURRICULAR ACTIVITIES**

Participation in extra-curricular activities, including interscholastic sports, is a privilege and not a right. Therefore, the Board of Education authorizes the Superintendent, principals, assistant principals, and Athletic Director and other authorized personnel employed by the District to supervise or coach a student activity program, to prohibit a student from participating in any particular or all extra-curricular activities of the District for offenses or violations of the Student Code of Conduct/Student Discipline Code for a period not to exceed the remainder of the school

year in which the offense or violation of the Student Code of Conduct/Student Discipline Code took place.

In addition, student athletes are further subject to the Athletic Code of Conduct and may be prohibited from participating in all or part of any interscholastic sport for violations therein.

Students prohibited from participation in all or part of any extra-curricular activity are not entitled to further notice, hearing, or appeal rights.

This policy shall be posted in a central location in each school building and will be available to students upon request.

R.C. 3313.664

AG 5610

### **Responsibility for School Work**

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.

Credit will not be given for work missed due to out-of-school suspension.

Failures may be given for any classroom work that cannot be attended such as laboratories or skill sessions.

For the complete guidelines, please go to the following website, [www.neola.com/uacsd-oh/](http://www.neola.com/uacsd-oh/) and click on Administrative Guidelines line, 5610.

AG 5610.04

### **Grounds for Discipline, Suspension, Emergency Removal or Expulsion as same occur either**

- a. on school premises, on authorized transportation, or at any school-sponsored activity, or
- b. off school premises insofar as the actions disrupt, or have the potential to disrupt, the educational process in the schools or deprive or have the potential to deprive, other students of their right to an education within the curricular or co-curricular program or privilege of participation in the extracurricular program, including actions that occur off of property owned or controlled by the Board but that are connected to activities or incidents that have occurred on property owned or controlled by the Board, or actions, regardless of where they occur, that are directed at an District official or employee, or the property of such official or employee.

#### **shall include:**

##### **1. Physical harm to person**

Knowingly causing or attempting or threatening to cause, physical harm to another, as defined in ORC Section 2901.01(A)(3).\*

\*If an act of harm to a person is one that is a criminal offense when committed by an adult and results in serious physical harm to persons as defined in ORC Section 2901.01(A)(5), and occurs while the student is at school, on any other property owned or controlled by the Board, or at an interscholastic competition, an extracurricular event, or any other school program or activity, the Superintendent may expel a student for a period not to exceed one year.

**2. Threatening a person**

Threatening another person with the purpose of obtaining any valuable thing or valuable benefit;

**3. Possessing weapons or other dangerous instrumentalities**

Possessing or using weapons or explosives, including any object with the intent to harm or any object that can reasonably be perceived or misperceived as a dangerous instrumentality\*;

\*A student who brings a knife to a school operated by the Board or onto any other property owned or controlled by it or who possesses a knife or a firearm at a school, any other property owned or controlled by the Board, any interscholastic competition, extracurricular event, or any other school program or activity that is not located in a school or on property that is owned or controlled by the Board, which firearm or knife was initially brought onto said property or to said event, program, or activity by another person, may be expelled by the Superintendent for a period not to exceed one year, which expulsion may be extended, as necessary to impose any expulsion authorized hereunder, into the school year following that in which the incident giving rise to the expulsion takes place. Unless she/he is permanently excluded pursuant to ORC Section §3313.662, a student who brings a firearm to a school operated by the Board or onto any other property owned or controlled by it or to an interscholastic competition, an extracurricular event or any other school program or activity that is not located in a school or on property that is owned or controlled by the District, shall be expelled by the Superintendent for one year, which expulsion shall extend, as necessary to impose any expulsion required hereunder, into the school year following that in which the incident giving rise to the expulsion takes place, provided that the Superintendent may reduce, on a case-by-case basis, any such expulsion imposed pursuant to this firearm provision based upon either (a) any other applicable legal requirements, including but not limited to circumstances subject to 20 U.S.C. §1400 *et seq.* and/or ORC Chapter 3323 as now in force or hereafter amended in which a student is disabled and the incident giving rise to the one year expulsion is a manifestation of that disability insofar as such an expulsion is precluded by said law(s), or (b) the Superintendent's determination in his/her discretion that the interest of the expelled student is served, and the interests of other students, school employees, and other members of the school community are not disproportionately disserved, by such a reduction. As used herein, "firearm" shall be defined as in 18 U.S.C. §921 as now in force or hereafter amended. As used herein, "knife" shall be defined as any instrument that possesses a pointed or sharp-edged blade of metal or other rigid material and that is designed or can be used for cutting, slicing, or stabbing; this definition shall include but not be limited to straight razors, utility knives, box cutters, ice picks, pocket knives, switchblades, and buck knives. Any expulsion under this paragraph shall be subject to all procedural requirements and rights applicable to expulsions on other grounds under Ohio law, and nothing expressed or implied in this paragraph is intended to, nor shall it, preclude the Superintendent from



expelling a student in accordance with that law for otherwise possessing a weapon or other dangerous instrumentality that is not as just defined herein.

\*Any student who brings a firearm or weapon to a school operated by the Board shall be referred to the criminal justice or juvenile delinquency system.

**4. Substance violations**

Substance violations for which the stated penalty is suspension or expulsion (see Appendix E);

**5. Disruption of school**

Disrupting school or causing or attempting to cause the disruption or obstruction of any lawful mission, process, or function of school, including any school-sponsored activity, by violence, force, noise, coercion, threat, intimidation, fear, passive resistance, or other disorderly conduct, or urging other students to disrupt or to obstruct the process or function of school by use same;

**6. False reporting of emergencies**

Falsely reporting an emergency, including fire and bomb threats;\*

\* A student who makes a bomb threat to a school building or to any premises at which a school activity is occurring at the time of the threat may be expelled by the Superintendent for a period not exceeding one year, which expulsion may be extended, as necessary, into the school year following that school year in which the incident that gives rise to the expulsion takes place.

**7. Physical harm to property**

Knowingly causing or attempting to cause physical harm to any school building or property or private property of another, as defined in ORC Section 2901.01(A)(4). (Parents or guardians will be held responsible for any property damaged by their child, ORC Sections 2307.70 and 3109.09\*; also see ORC Section 2307.70);

\*If an act of harm to property is one that is a criminal offense when committed by an adult and results in serious physical harm to property as defined in ORC Section 2901.01(A)(6), and occurs while the student is at school, on any other property owned or controlled by the Board, or at an interscholastic competition, an extracurricular event, or any other school program or activity, the Superintendent may expel a student for a period not to exceed one year, which expulsion may be extended, as necessary, into the school year following that school year in which the incident that gives rise to the expulsion takes place.

**8. Violations of law**

Committing any act not listed herein as a major infraction that is a criminal offense when committed by an adult; or

9. **Repeating or flagrantly committing suspendable offenses**

Repeating or flagrantly committing instances of suspendable offenses, except as other provisions of this Handbook apply.

10. **Damage to property**

Damage or destruction to any school property or private property (parents or guardians will be held responsible for any property damage by their child, ORC Section 3109.09; also see ORC Section 2307.70);

11. **Insubordination/Disrespect**

Failure to comply with the reasonable direction of, or otherwise demonstrating manifest disrespect toward, a member of the school staff;

12. **Failure to provide identification**

Failure to provide identification when requested to do so by school personnel;

13. **Abuse of computer hardware and/or software**

Abusing the District's computer hardware or software, including but not limited to the following: tampering with computers or computer programs (whether such programs are commercially prepared or belong to another student or a member of the school staff); using equipment to make unauthorized or illegal duplicates of computer software; damaging or destroying computers or other computer hardware or computer software; or using computer phone or computer mail network facilities of the District for purposes unrelated to the instructional program of the District unless written permission from the Superintendent or designee has been obtained.

\*In addition to these restrictions, the District's computer hardware or software shall not be used in violation of any other provision of the code of student conduct ("the underlying violation"); any such misconduct shall be subject to discipline, including but not limited to suspension, expulsion, or permanent exclusion, to the same extent as the underlying violation would be. This prohibition shall be deemed to preclude, but is not limited to, the use of computer hardware or software to create, display, or communicate words or images that are profane or offensively lewd/indecent (see #18 below), defamatory (see #20 below), or harassing (see #29 below).

14. **Intimidation or Bullying**

Insulting, demeaning, threatening, disparaging, taunting, bullying, or challenging another, or to otherwise engage in any form of intimidation, by word or deed, when the purpose or effect is to unreasonably interfere with a student or group of student's performance in school, or to create a hostile, disruptive, or offensive school environment, or to otherwise adversely impact upon a student's educational opportunities (see Appendix G);

15. **Theft**

Theft, including any attempt thereof, of school property or of the private property of others;

16. **Possessing stolen property**  
Knowingly possessing stolen school property or the private property of others and not making an attempt to return same;
17. **Fighting**  
Physical contact of a negative nature (pushing, shoving, hitting, kicking, etc.);
18. **Profanity, etc.**  
Using language, gestures, or signs that are profane or offensively lewd/indecent;
19. **Dress and appearance**  
Violating school rules relating to dress and appearance;
20. **Libel or slander**  
Deliberate use of libel or slander orally or in written/symbolic form;
21. **Truancy**  
Unexcused absence from school or class for any part of the school day (leaving school or class without permission);
22. **Tardiness**  
Repeated tardiness to school or class;
23. **Smoking or use or possession of a tobacco product or clove cigarette**  
Smoking or the use or possession of a tobacco product (a tobacco product being any substance containing tobacco or rolling papers that can be used with same) or clove cigarette;
24. **Buying, selling, or distributing tobacco product or clove cigarette**  
Buying, selling or distributing any tobacco product (a tobacco product being as defined in #23) or clove cigarette;
25. **Possession or use of an electronic communications device**  
Electronic communication devices, including but not limited to, pagers or cellular/portable telephones, except when such device is officially provided, or its possession/use is expressly permitted in advance by the school officials are not to be used in classrooms. When such devices are used in other parts of school premises and become a distraction to the basic educational mission of the District, their use may be regulated.

26. **Cheating, deception, etc.**

Misrepresenting, or attempting to misrepresent, another person or his/her work or product, (homework, quiz, test, essay, term paper, etc.) as one's own work or product (or vice versa), or any action (copying, duplicating, distributing, etc.) in an attempt to assist another person to do the same;

27. **Forgery and false information**

Using the name or identity of another person (orally or in writing) or falsifying/altering times, date, grades, address, or other data or correspondence to be used by school personnel;

28. **Gambling**

Gambling, or assisting others to gamble, regardless of the monetary value of the stakes;

29. **Harassment**

Harassment on the basis of race, color, national origin, ancestry, citizenship, religion, handicap/ability level, age, sex, or sexual orientation, which for this purpose is defined as slurs, or other verbal or physical conduct, relating to the foregoing bases, when such conduct has the purpose or the effect of (a) unreasonably interfering with a student's performance in school, (b) creating an intimidating, hostile or offensive school environment, or (c) otherwise adversely impacting upon a student's educational opportunities. (see Appendix G);

30. **Hazing**

Doing any act or coercing another, including the victim, to do any act of initiation into any student or other organization that causes or creates a risk of causing mental or physical harm to any person;

31. **Operation of transportation vehicles**

Violation of rules and regulations governing student operation of transportation vehicles;

32. **Conditions of suspension**

Violation of the conditions of suspension as specified in writing when a student has been suspended;

33. **Expellable offenses**

Commission of an expellable offense except as other provisions of the Handbook apply;  
or

**Grounds for removal:** If a student's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, that student may be removed from school or a school-sponsored activity immediately without the rights of procedural due process.

**Grounds for permanent exclusion:** A student may be recommended for permanent exclusion from the public schools of this state if the student is convicted of, or adjudicated a delinquent child for, committing, when she/he was sixteen (16) years of age or older, an act that would be a criminal offense if committed by an adult and if the act is any of the following:

1. A violation of ORC Section 2923.122;
2. A violation of ORC Section 2923.12, of a substantially similar municipal ordinance, or of division (A) (1), (4), (5), (6), (7), (9), or (10) of ORC Section 2925.03 that was committed on property owned or controlled by, or at an activity held under the auspices of, a Board of a city, local, exempted village, or joint vocational school District;
3. A violation of ORC Sections 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2907.02, 2907.05 or 2907.12 that was committed on property owned or controlled by, or at an activity held under the auspices of, a Board of a city, local, exempted village, or joint vocational school district, if the victim at the time of the commission of the act was an employee of the Board; or
4. Complicity in any violation described in preceding paragraphs (1), (2), or (3) that was alleged to have been committed in the manner described in preceding paragraphs (1), (2), or (3), 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 a city, local, exempted village, or joint vocational school district.

## **ALTERNATIVE EDUCATIONAL SETTING**

### **Rockbridge Academy**

Rockbridge Academy is an alternative educational setting serving students in grades seven through twelve. The mission of Rockbridge is to provide academic support, guidance, and direction through a personalized approach, to students not achieving success in the traditional school setting. The purpose is to help these students experience personal, academic, and social success. Rockbridge will work in partnership with the home school, parents or guardians and student to successfully complete their individual academic and personal goals. Rockbridge provides small group instruction and mental health interventions designed to promote social, personal, and academic growth.

Rockbridge offers two alternatives to students at risk in their home schools:

- a. as an alternative to expulsions in the home school as determined by the Superintendent or designee;
- b. as a long-term placement for students identified who might benefit from a long-term nontraditional academic setting.

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## **SCHOOL SOCIAL EVENTS**

The Board of Education recognizes the value of student social events in enhancing and enriching the school experience for the children of this community.

The Board will make school facilities available and provide appropriate staff for the conduct of those social events within the school facilities, which have been approved by the principal, and for those social events which take place outside school facilities, which have been approved by the Superintendent.

As voluntary participants in school social events, students shall be held responsible for compliance with rules set forth for their conduct, and infractions of those rules will be subject to the same disciplinary measures as are applied during the regular school program.

Participation in school events is not a right and may be denied to any student who has demonstrated disregard for the rules of the school.

The Superintendent shall develop administrative guidelines for the conduct of student social events.

R.C. 3313.20

AG 5852

### **SCHOOL-SPONSORED ACTIVITIES OFF SCHOOL PREMISES**

The Board recognizes that there are a large number and variety of school-sponsored activities that take place off school premises. Therefore, the Board shall govern the conduct of the students who participate in those activities. Participation of students in such school-sponsored activities that take place off the school premises shall be regulated by all the applicable provisions of this Rights and Responsibilities Handbook, just the same as if the activities occurred on school premises.

The distinction between the responsibility that the District has for students and the responsibility that a parent(s) or guardian(s) has for his/her child is difficult to define in other situations occurring off school premises. These include, for example, situations in which students are not engaged in any school-sponsored activity but the students are either traveling to or from school or school-sponsored activities.

1. Rules and regulations governing school-sponsored activities that occur off school premises shall apply to all students that are either participants in the activity or are spectators. Such rules shall bear a reasonable relationship to the purposes and to the functions of the activity.
2. In situations in which students are off school premises and are not associated with a school-sponsored activity, the school administrator(s) will exert his/her authority over students only insofar as the actions of such students disrupt, or have the potential to disrupt, the educational process in the schools or deprive, or have the potential to deprive, other students of their right to an education within the curricular or co-curricular program or privilege of participation in the extracurricular program. The foregoing includes authority over a student where his/her misconduct occurs off of property owned or controlled by the Board but that is connected to activities or incidents that have occurred on property owned or controlled by the Board; it also includes his/her authority over a student where his/her misconduct, regardless of where it occurs, is directed at a District official or employee, or the property of such official or employee.

3. As just indicated, participation in the extracurricular program (including but not limited to athletics) is a privilege, not a right. Therefore, even in situations other than those covered above, a principal/designee shall investigate the situation and, in consultation with other appropriate administrators and coaches/advisors, may determine to curtail that privilege for a student who has \* pled or been found guilty in a juvenile or criminal proceeding of committing any act constituting a felony or misdemeanor (other than a minor misdemeanor of the traffic code) identified in the Ohio Revised Code.

\* Does not apply to students who opt for the City of Upper Arlington Diversion Program.

4. In situations other than those covered above, the parent(s) or guardian(s) has full responsibility for his/her child. Situations where children are normally outside the scope of school authority includes, but are not limited to, the following:
  - a. while in transit to and from school (except on Board buses);
  - b. when a student leaves school premises during lunch period, except in locations of critical concern that shall be designated by school administrators and approved by the Board; and
  - c. when a student absents himself/herself from the school property during the regular school day without authorization by a school official.

5610.04

### **SUSPENSION OF BUS RIDING/TRANSPORTATION PRIVILEGES**

Students on a bus or other authorized Board of Education transportation vehicles are under the authority of and directly responsible to the bus/vehicle driver. The driver has the authority to enforce the established regulations for bus/vehicle conduct. Disorderly conduct or refusal to submit to the authority of the driver will be sufficient reason for refusing transportation service to any student.

A student may be suspended from school bus/vehicle riding privileges for all or part of a school year for any violation of established regulations for bus conduct and/or for conduct occurring on the bus/vehicle in violation of the Student Code of Conduct/Student Discipline Code.

Before a suspension from bus/vehicle riding privileges is imposed, the Superintendent or other designated District personnel will provide a student with notice of an intended suspension and an opportunity to appear before the Superintendent or other designated District personnel. Disciplinary suspension periods will be commensurate with the infraction(s) committed as determined by the Superintendent or designated District personnel.

Any additional guidelines regarding conduct on school buses/vehicles, as well as general information about the school transportation program, will be made available to all parents and students and posted in a central location.

R.C. 3319.41, 3327.01, 3327.014  
A.C. 3301-83-08

## BUS CONDUCT RULES

The following regulations are designed to assure the safety and convenience of students riding school buses in Upper Arlington.

- a. Riders shall remain in their seats at all times while the bus is in motion.
- b. Noise on the bus shall be kept to a minimum at all times. No loud, boisterous talking, foul language or swearing is permitted.
- c. There must be absolute quiet at railroad crossings and other places of danger as specified by the driver.
- d. Riders shall not put objects, hands, arms or any part of their body outside of the bus window.
- e. No food shall be eaten on the bus.
- f. Nothing shall be thrown into, out of, within or at the bus. Nothing shall be thrown at any bus occupants.
- g. No one is to tamper with bus parts or damage the bus in any way.
- h. No smoking is allowed on the bus.
- i. Matches, guns, knives, and other potentially dangerous objects as well as large instruments, boxes, large objects or animals, except as required by state or federal law, are not permitted on the bus.
- j. Riders shall keep their hands off the person and property of other riders.
- k. Students are to ride their assigned bus unless special permission has been secured by their parents or guardians from the Principal and Supervisor of Transportation.

The bus driver is responsible for exercising common sense and good judgment in maintaining safe and reasonable student control. Students who persist in violating the above procedures will be subject to the following disciplinary action, unless their behavior is sufficiently egregious so that more stringent discipline than the progression set forth is deemed appropriate:

1. The bus driver will report the name of the student to the building principal or assistant principal. The student officially will be put on notice that further misbehavior will result in a suspension of riding privileges. Parents or guardians will be notified of the student having been put on notice.
2. A second offense will result in a 2-5 day suspension from riding the bus.

If a student is suspended from riding the bus, the suspension will be effective starting the morning of the next school day.

Third offenses and beyond will result in suspension of riding privileges for a period of time ranging from 10 days to the remainder of the school year.



The Superintendent, or another district administrator, is authorized to implement suspensions from bus riding privileges for such period of time as the person implementing the suspension determines to be appropriate. A student disciplined under this policy shall be provided notice of an intended suspension of such privileges and an opportunity to appear before the Superintendent or other appropriate district personnel.

## APPENDICES

AG 8330

### A. STUDENT RECORDS

Student records shall be maintained in accordance with the Board of Education Policy 8330 and State/Federal laws and regulations (see Form 8330F15).

The student record is the legal record for each student who is or has attended schools within the District. All information contained in the student record must be factual, verifiable, and of a constructive nature. The Board shall collect, maintain and use only information necessary for legally mandated District functions.

Educational Records, as defined in Section 99.3 of the Family Educational Rights and Privacy Act, means those records, files, documents, and other materials which: (1) are directly related to a student, and (2) are maintained by the Board or by a party acting for the Board. "Record" means any information or data recorded in any medium, including but not limited to: handwriting, print, tapes, films, microfilm, and microfiche, and electronic/digital formats.

The term, Educational Records, does not include:

- a. records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which:
  1. are in the sole possession of the maker thereof; and
  2. are not accessible or revealed to any other individual except a substitute for the maker;

For the purpose of this definition, a "substitute means an individual who performs on a temporary basis the duties of the individual who made the record, and does not refer to an individual who permanently succeeds the maker of the record in his/her position."
- b. records maintained by a law enforcement unit (e.g., School Resource Officer) of the School District that were created by that law enforcement unit for the purpose of law enforcement;
- c. records relating to a student who is eighteen (18) years of age or older, or is attending an institution of postsecondary education, which are:
  1. created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his/her professional or paraprofessional capacity, or assisting in that capacity; and

2. created, maintained, or used only in connection with the provision of treatment to the student; and
  3. not disclosed to anyone other than individuals providing the treatment; except, that the records can be personally reviewed by a physician or other appropriate professional of the student's choice. For the purpose of this definition, "treatment" does not include remedial educational activities or activities which are part of the program of instruction at the educational agency or institution.
- d. records which contain only information relating to a person after that person was no longer a student at the District. An example would be information collected by the Board pertaining to the accomplishments of its alumni.

The students' school record shall contain the following information that shall be retained permanently or for one hundred years:

- a. name, address, and telephone listing of parent;
- b. enrollment data to include validated birth record, proof of residency, immunization records and social security number or computer number;
- c. attendance records;
- d. grades and/or transcripts;
- e. standardized and/or mandated achievement test data, including proficiency/diagnostic assessment/achievement test records which include the date each student meets the proficient level for the test administered; and
- f. date of graduation and/or transfer or withdrawal.

The student's educational record shall contain, if applicable to the individual, the following information, to be retained for a period not less than two (2) years beyond the age when school enrollment may occur:

- a. health and medical information -- emergency medical authorization forms may be destroyed upon the annual receipt of the forms as required by law;
- b. court order on parental rights and responsibilities and/or custodial or guardianship arrangements, including any court orders regulating access of a parent to school records;
- c. awards and recognitions;
- d. reports and such other confidential information generated by professionals or agencies outside the District relevant to the student's educational program; and
- e. such other verifiable, factual and relevant information to be used in making decisions regarding the student's educational program, including disciplinary records.

## Responsibility

The COR (Custodian of Records) shall be the building principal who may delegate certain responsibilities to the school secretary. The COR is responsible for maintaining the confidentiality of directory information, if the parents have so requested, and other information in the educational record. The COR is responsible for the implementation of this Board's policies and procedures regarding confidentiality, including informing all personnel in this District who collect, maintain, use or otherwise have access to student records of this Board's policies and procedures on confidentiality.

Parents and eligible students have the right to:

- a. inspect and review the student's educational records;
- b. request an amendment to the records if the parent or eligible student believe the information to be inaccurate or misleading or in violation of the privacy rights of the individual;
- c. limit the disclosure of personally identifiable information defined as directory information within Policy 8330 or to such other disclosures not required by law;
- d. request a hearing if the Board refuses to amend records believed by the parent to be misleading or inaccurate and to file a complaint with the Department of Education if the parent is dissatisfied with the results of the hearing;
- e. obtain a copy of the Board's policy on student records.

For the complete guidelines, please go to the following website, [www.neola.com/uacsd-oh/](http://www.neola.com/uacsd-oh/) and click on Administrative Guidelines line, 8830.

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## **B. DUE PROCESS RIGHTS**

The Board of Education recognizes that students waive certain constitutional rights, regarding their education.

Accordingly, the Board establishes the following procedures:

### **a. Student subject to suspension:**

When a student is being considered for an out-of-school suspension by the Superintendent, principal, or other administrator:

1. The student will be informed in writing of the potential suspension and the reasons for the proposed action.
2. The student will be provided an opportunity for an informal hearing to challenge the reason for the intended suspension and to explain his/her actions.
3. An attempt will be made to notify parents or guardians by telephone if a suspension is issued.

4. Within one (1) school day of the suspension the Superintendent, principal, or other administrator will notify the parents, guardians, or custodians of the student and the Treasurer of the Board. The notice will include the reasons for the suspension and the right of the student, parent, guardian, or custodian to appeal to the Board or its designee; the right to be represented at the appeal; and the right to request the hearing be held in executive session if before the Board. The notice shall also specify that if the student, parent, guardian or custodian intends to appeal the suspension to the Board or its designee, such notice of appeal shall be filed, in writing, with the Treasurer of the Board or the Superintendent within five (5) calendar days after the date of the notice to suspend. If the offense is one for which the District may seek permanent exclusion, then the notice will contain that information.
5. Notice of this suspension will also be sent to the:
  - a. Superintendent;
  - b. Board Treasurer;
  - c. student's school record (not for inclusion in the permanent record).
6. If a student leaves school property without permission immediately upon violation (or suspected violation) of a provision of the Student Code of Conduct/Student Discipline Code or prior to an administrator conducting an informal hearing as specified above, and the student fails to return to school on the following school day, the principal, assistant principal, Superintendent, or any other administrator, may send the student and his/her parent(s)/guardian(s) notice of the suspension, and offer to provide the student and/or his/her parents an informal hearing upon request to discuss the reasons for the suspension and to allow the student to challenge the reasons and to explain his/her actions, any time prior to the end of the suspension period.

#### **Appeal of Suspension to the Board or its designee**

The student who is eighteen (18) or older or the student's parent(s) or guardian(s) may appeal the suspension to the Board or its designee. They may be represented in all such appeal proceedings.

A verbatim record will be kept of the hearing which may be held in executive session at the request of the student, parent, or guardian, if held before the Board.

The procedure to pursue such appeal will be provided in regulations approved by the Superintendent. Notice of appeal must be filed with the Treasurer or the Superintendent within five (5) school days of the notice to suspend.

#### **Appeal to the Court**

Under Ohio law, appeal of the Board's or its designee's decision may be made to the Court of Common Pleas.

#### **b. Students subject to expulsion:**

When a student is being considered for expulsion by the Superintendent:

1. The Superintendent will give the student and parent, guardian, or custodian written notice of the intended expulsion, including reasons for the intended expulsion.
2. The student and parent or representative have the opportunity to appear before the Superintendent or designee to challenge the proposed action or to otherwise explain the student's actions. The written notice will state the time and place to appear, which must not be earlier than three (3) school days nor later than five (5) school days after the notice is given, unless the Superintendent grants an extension upon request of the student or parent.
3. Within one (1) school day of the expulsion, the Superintendent will notify the parents, guardians, or custodians of the student and Treasurer of the Board. The notice will include the reasons for the expulsion and the right of the student, parent, guardian, or custodian to appeal to the Board or its designee; the right to be represented at the appeal; and the right to request the hearing be held in executive session if before the Board. The notice shall also specify that if the student, parent, guardian or custodian intends to appeal the expulsion to the Board or its designee, such notice of appeal shall be filed, in writing, with the Treasurer of the Board or the Superintendent within fourteen (14) calendar days after the date of the notice of expulsion. If the offense is one for which the District may seek permanent exclusion, then the notice will contain that information.

### **Appeal of Expulsion to the Board**

A student who is eighteen (18) or older or a student's parent(s) or guardian(s) may appeal the expulsion by the Superintendent to the Board or its designee. They may be represented in all such appeal proceedings and will be granted a hearing before the Board or its designee.

A verbatim record will be kept of the hearing, which may be held in executive session at the request of the student, parent, or guardian.

The procedure to pursue such appeal will be in accordance with regulations approved by the Superintendent. Notice of intent to appeal must be filed within fourteen (14) school days of the Superintendent's decision to expel to the Board directly or through the Superintendent's office.

While a hearing before the Board may occur in executive session, the Board must act in public.

### **Appeal to the Court**

Under State law, the decision of the Board may be further appealed to the Court of Common Pleas.

#### **c. Students subject to emergency removal:**

Students whose conduct warrants emergency removal shall be dealt with in accordance with the rights and procedures outlined in Policy 5610.03 – Emergency Removal of Students.

d. **Students subject to permanent exclusion:**

Students whose conduct is that for which permanent exclusion is warranted shall be dealt with in accordance with the rights and procedures outlined in Policy 5610.01 – Permanent Exclusion of Nondisabled Students.

e. **Students subject to suspension from bus riding/transportation privileges:**

Students whose conduct warrants suspension from bus riding and/or transportation services shall be dealt with in accordance with the rights and procedures outlined in Policy 5610.04 - Suspension of Bus Riding/Transportation Privileges.

The Superintendent shall ensure that all members of the staff use the above procedures when dealing with students. In addition, this statement of due process rights is to be placed in all student handbooks in a manner that will facilitate understanding by students and their parents.

These procedures shall not apply to in-school disciplinary alternatives including in-school suspensions. An in-school suspension is one served entirely within a school setting. Nor shall these disciplinary alternative procedures apply to students who are prohibited by authorized school personnel from all or part of their participation in co-curricular, interscholastic, and/or noninterscholastic extra-curricular activities.

R.C. 3313.20, 3313.66, 3313.661

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### **C. PUBLIC COMPLAINTS**

Any person or group, having a legitimate interest in the operations of this District shall have the right to present a request, suggestion, or complaint concerning District personnel, the program, or the operations of the District. At the same time, the Board of Education has a duty to protect its staff from unnecessary harassment. It is the intent of this policy to provide the means for judging each public complaint in a fair and impartial manner and to seek a remedy where appropriate.

It is the desire of the Board to rectify any misunderstandings between the public and the District by direct discussions of an informal type among the interested parties. It is only when such informal meetings fail to resolve the differences, shall more formal procedures be employed.

Any requests, suggestions, or complaints reaching the Board, Board members, and the administration shall be referred to the Superintendent for consideration according to the following procedure.

#### **Matters Regarding a Professional Staff Member**

a. **First Level**

If it is a matter specifically directed toward a professional staff member, the matter must be addressed, initially, to the concerned staff member who shall discuss it promptly with the complainant and make every effort to provide a reasoned explanation or take appropriate action within his/her authority and District administrative guidelines.

This level does not apply if the matter involves suspected child abuse, substance abuse, or any other serious allegation which may require investigation or inquiry by school officials prior to approaching the professional staff member.

a. Second Level

If the matter cannot be satisfactorily resolved at the First Level, it shall be discussed by the complainant with the staff member's supervisor and in compliance with provisions of a collective bargaining agreement, if applicable.

b. Third Level

If a satisfactory solution is not achieved by discussion with the supervisor, a written request for a conference shall be submitted to the Superintendent. This request should include:

1. the specific nature of the complaint and a brief statement of the facts giving rise to it;
2. the respect in which it is alleged that the complainant (or child of the complainant) has been affected adversely;
3. the action which the complainant wishes taken and the reasons why it is felt that such action be taken.

Should the matter be resolved in conference with the Superintendent, the Board shall be advised of the resolution.

c. Fourth Level

Should the matter still not be resolved, or if it is one beyond the Superintendent's authority and requires a Board decision or action, the complainant shall request, in writing, a meeting by the Board.

The Board, after reviewing all material relating to the case, at the Board's discretion, shall provide the complainant with its written decision or grant a meeting before the Board or a committee of the Board.

The complainant shall be advised, in writing, of the Board's decision, no more than thirty (30) business days following the meeting. The Board's decision will be final on the matter, and it will not provide a meeting to other complainants on the same issue.

If the complainant contacts an individual Board member to discuss the matter, the Board member shall inform the complainant that s/he has no authority to act in his/her individual capacity and that the complainant must follow the procedure described in this policy.

### **Matters Regarding an Administrative Staff Member**

Since administrators are considered members of the District's professional staff, the general procedure specified in "Matters Regarding a Professional Staff Member" shall be followed.

## **Matters Regarding the Superintendent or Treasurer**

Should the matter be a concern regarding the Superintendent or Treasurer, which cannot be resolved through discussion with the Superintendent or Treasurer, the complainant may submit a written request to the Board President for a conference with the Board. This request shall include:

- a. the specific nature of the complaint and a brief statement of the facts giving rise to it;
- b. the respect in which it is alleged that the complainant (or child of the complainant) has been affected adversely;
- c. the reason that the matter was not able to be resolved with the Superintendent or Treasurer;
- d. the action which the complainant wishes taken and the reasons why it is felt that such action should be taken.

The Board, after reviewing the request, may grant a meeting before the Board, or a committee of the Board, or refer the matter, if permitted by State law, to an executive session.

The complainant shall be advised, in writing, of the Board's decision within thirty (30) business days.

## **Matters Regarding a Classified Staff Member**

In the case of a classified staff member, the same procedure is to be followed as for "Matters Regarding a Professional Staff Member".

## **Matters Regarding District Services, Operations or Programs**

If the request, suggestion, or complaint relates to a matter of District procedure or operation, it should be addressed, initially, to the person in charge and then brought, in turn, to higher levels of authority in the manner prescribed in "Matters Regarding a Professional Staff Member".

## **Matters Regarding the Educational Program**

If the request, suggestion, or complaint relates to a matter of Educational program, it should be addressed, initially, to the principal and then brought, in turn, to higher levels of authority in the manner prescribed in "Matters Regarding a Professional Staff Member".

## **Matters Regarding Instructional Materials**

The Superintendent shall prepare administrative guidelines addressing students' and parents' rights to be adequately informed each year regarding their ability to inspect instructional materials and the procedure for completing such an inspection. See AG 9130A and Form 9130F3.

If the request, suggestion, or complaint relates to instructional materials such as textbooks, library books, reference works, and other instructional aids used in the District, the following procedure shall be followed:



- a. The request, suggestion, or complaint should be addressed, initially, to the teacher. If the matter cannot be satisfactorily resolved with the teacher, it shall be discussed with the teacher's principal. If the matter cannot be satisfactorily resolved with the principal, the matter is to be addressed to the Superintendent in writing and shall include:
  1. author;
  2. title;
  3. publisher;
  4. the complainant's familiarity with the material objected to;
  5. sections objected to, by page and item;
  6. reasons for objection.
- b. Upon receipt of the information, the Superintendent shall, appoint a review committee which may consist of:
  1. one (1) or more professional staff members;
  2. one (1) or more lay persons knowledgeable in the area.
- c. The Superintendent may be an ex officio member of the committee.
- d. The committee, in evaluating the questioned material, shall be guided by the following criteria:
  1. the appropriateness of the material for the age and maturity level of the students with whom it is being used
  2. the accuracy of the material
  3. the objectivity of the material
  4. the use being made of the material
- e. The committee's recommendation shall be reported to the Superintendent in writing within thirty (30) business days following the formation of the committee. The Superintendent will advise the complainant, in writing, of the committee's recommendation and advise the Board of the action taken or recommended.
- f. The complainant may appeal this decision, within fifteen (15) business days, to the Board through a written request to the Superintendent, who shall forward the request and all written material relating to the matter to the Board.
- g. The Board shall review the case and advise the complainant, in writing, of its decision within thirty (30) business days.

No challenged material may be removed from the curriculum or from a collection of resource materials except by action of the Board, and no challenged material may be removed solely

because it presents ideas that may be unpopular or offensive to some. Any Board action to remove material will be accompanied by the Board's statement of its reasons for the removal.

20 U.S.C. 1232h

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#### **D. INTERSCHOLASTIC ATHLETICS**

The Board of Education recognizes the value to the students of the District and to the community of a program of interscholastic athletics for students as an integral part of the total school experience.

For purposes of this policy, the program of interscholastic athletics shall include all activities relating to competitive sport contests, games, events, or sport exhibitions involving individual students or teams of students of this District with those of another district.

The Board shall determine the standards of eligibility to be met by all students participating in the interscholastic program. Such standards shall require that each student be in good physical condition, be free of injury, and have fully recovered from illness before participating in any interscholastic athletic event. In addition to the eligibility requirements established by the Ohio High School Athletic Association, to be eligible for any interscholastic extra-curricular activity, a student must have maintained at least a 2.0 grade-point average for the grading period prior to the grading period in which s/he wishes to participate.

If a student who becomes ineligible under these standards improves his/her grade point average during the current grading period to meet the eligibility standard, s/he may be reinstated at the beginning of the next grading period.

These same eligibility standards shall apply to all other co-curricular and extra-curricular activities sponsored by the District. (See Policy 2430)

Students identified as disabled under R.C. 3323 and the IDEA are subject to the eligibility standards established by this policy unless specifically exempted by the express terms of their individualized education program (IEP). An IEP can specify the criteria by which a grade will be determined for (a) course(s), given the individualized student's disability.

Since the primary purpose of the athletic program is to enhance the education of participating students as indicated in this policy, the Board places top priority on maximum student participation and the values of good sportsmanship, team play, and fair competition.

The Board further adopts those eligibility standards set by the Constitution of the Ohio High School Athletic Association (OHSAA) and shall review such standards annually to ascertain that they continue to be in conformity with the objectives of this Board.

No student shall be excused from a class or supervised study for an extended period of time to participate in interscholastic athletics.

The Superintendent shall develop appropriate administrative guidelines for the operation of the Athletic Program and a Code of Conduct for those who participate. Such guidelines should provide for the following safeguards:

- a. Prior to enrolling in the sport, each participant shall submit to a thorough physical examination by a District-approved physician; and parents shall report any past or current health problems along with a physician's statement that any such problems have or are being treated and pose no threat to the student's participation.
- b. Any student who is found to have a health condition which may be life-threatening to self or others shall not be allowed to participate until the situation has been analyzed by a medical review panel that has determined the conditions under which the student may participate. The District shall assume no liability for any student with a health condition who has been authorized to play by the parents and their physician but not by the District.
- c. Any student who incurs an injury requiring a physician's care is to have the written approval of a physician prior to the student's return to participation.

In order to minimize health and safety risks to student-athletes and maintain ethical standards, school personnel, coaches, athletic trainers, and lay coaches shall not dispense, supply, recommend, or permit the use of any drug, medication, or food supplement solely for performance-enhancing purposes. The Superintendent shall cause to be posted in all locker rooms in buildings that include students in any grade higher than the sixth grade, the following: "Warning: Improper use of anabolic steroids may cause serious or fatal health problems, such as heart disease, stroke, cancer, growth deformities, infertility, personality changes, severe acne, and baldness. Possession, sale, or use of anabolic steroids without a valid prescription is a crime punishable by a fine and imprisonment."

Students will be further informed that participation in interscholastic sports is a privilege and not a right, and that they may be prohibited from all or part of their participation in such activities by authorized school personnel without further notice, hearing and/or appeal rights (See Policy 5610.05 - Prohibition From Extra-Curricular Activities).

R.C. 2305.23, 2305.231, 3313.53, 3313.535, 3313.752, 3315.062  
Ohio High School Athletic Association

AG 2431

## **INTERSCHOLASTIC ATHLETICS**

### IMPLEMENTATION PROCEDURE

- a. The policy will annually be distributed to each student in grades 7-12 with the major points of the policy reviewed with the students.
- b. Each advisor/sponsor/coach (hereafter referred to as "advisor") will complete the "Activity Membership" form and submit it to the Assistant Principal for Student Activities or to the Assistant Principal for Athletic at the middle school, to the Director of Athletics ("AD") by the end of the eighth week of every grading period. The advisor will be responsible for keeping membership information current and of notifying the assistant principal or Athletic Director of any changes.
- c. The appropriate staff member will receive a grade rank report each nine (9) weeks from data processing.

- d. The appropriate staff member will cross-check each student with a GPA of 1.999 or lower with the advisor's membership lists.
- e. The appropriate staff member will notify in writing any ineligible student and his/her parent or legal custodian within five (5) school days after the student has received his/her grades for the nine (9) weeks. Copies of this letter will be given to the student's advisor and counselor. The letter will notify parents of their right to appeal.
- f. There will be allowance for an appeal of the student's ineligibility. The written appeal must be made within three (3) calendar days of the receipt of the notice of ineligibility, signed by both the student and his/her parent and sent to the Assistant Principal or Athletic Director.
- g. The appropriate Assistant Principal or Athletic Director will conduct a hearing on the appeal within five (5) school days of the receipt of the written appeal. The parent has the right to be present at this appeal hearing. Following the hearing, the Assistant Principal or Athletic Director will give their decision in writing to the appellants.
- h. The Assistant Principal for Student Activities or the Assistant Principal for Athletics or the Athletic Director at the middle school will keep a file for all eligibility matters and be responsible for monitoring student GPA each nine (9) weeks.

#### IMPLEMENTATION GUIDELINES

- a. Definition of "participation":

A student may not participate in any interscholastic competition until eligibility has been regained.

- b. Post-season awards, recognition banquets, etc.:

Student participation in post-season recognition programs and his/her receiving of an award will be determined by policies and guidelines respective of each sport or program. Such information shall be provided to students and parents prior to the start of any sports season or activity.

- c. Effect of an Incomplete ("I") grade:

The incomplete grade must be made up within two (2) weeks of the end of the grading period. Eligibility will be determined after recalculation of the GPA with the new grade. If a student is below 2.0 with an incomplete, s/he may not participate until the incomplete has been made up.

- d. Participation in special programs:

- 1. The following are subject to the 2.0 eligibility policy:

- a. Outdoor Education (6th grade camp)
- b. Leaders' Club
- c. Buddy Club
- d. Auditorium Stage/Technical Crew

2. The following are not subject to the 2.0 eligibility policy:

- a. Alcohol Awareness (AID Training)
- b. B.E.A.R. Camp
- c. Career Exploration
- d. Career Internship

e. Student participation fees:

If a student loses eligibility after s/he has paid special activity fee (e.g., Ski Club) or dues, there will be no refund from the Board of Education or from the activity fund treasury.

f. Effect of summer school grades:

According to Ohio High School Athletic Association regulations, remedial and or tutorial course work completed during summer school cannot be used to regain eligibility.

Advanced credit course work will not count for regaining eligibility until the end of the first quarter of the autumn semester when the appropriate weight will be given to the work completed (e.g. 1/4 credit.)

g. Student participation during the appeal process:

The student may participate during the appeal process.

h. The effect of accumulation – the value of each nine (9) weeks:

A student's eligibility will be determined according to his/her GPA for each nine (9) week grading period. Semester and final exams are not to be calculated in the nine (9) week GPA assessment because of the comprehensive nature of exams. A student's eligibility will be determined by examining each student's nine (9) week grade independent of prior grading periods. The individual nine (9) week GPA's value will be used in itself to determine a student's eligibility.

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## **E. DRUG PREVENTION**

The Board of Education recognizes that the misuse of drugs is a serious problem with legal, physical, and social implications for the whole school community.

For purposes of this policy, "drugs" shall mean:

- a. all dangerous controlled substances as so designated and prohibited by Ohio statute;
- b. all chemicals which release toxic vapors;
- c. all alcoholic beverages;
- d. any prescription or patent drug, except those for which permission to use in school has been granted pursuant to Board policy;

- e. anabolic steroids;
- f. any substance that is a "look-alike" to any of the above.

The Board prohibits the use, possession, concealment, or distribution of any drug or any drug-related paraphernalia as the term is defined by law, or the misuse of a product containing a substance that can provide an intoxicating or mood-altering effect on school grounds, on school vehicles, or at any school-sponsored event.

The Superintendent shall prepare guidelines for the identification, amelioration, and regulation of drug use in the schools. Such guidelines shall:

- a. emphasize the prevention of drug use;
- b. provide for a comprehensive, age-appropriate, developmentally based drug and alcohol education and prevention program which:
  - 1. addresses the legal, social, psychological, and health consequences of drug and alcohol use;
  - 2. provides information about effective techniques for resisting peer pressure to use illicit drugs and alcohol;
  - 3. assists students to develop skills to make responsible decisions about substance abuse and other important health issues;
  - 4. promotes positive emotional health, self-esteem, and respect for one's body;
  - 5. meets the minimal objectives as stated in the essential performance objectives for health education as established by the State Department of Education;
- c. include a statement to students that the use of illicit drugs and the unlawful possession and use of alcohol is wrong and harmful;
- d. provide standards of conduct that are applicable to all students and which clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students on school premises or as a part of any school activity;
- e. include a clear statement that disciplinary sanctions, up to and including expulsion and referral for prosecution, will be imposed on students who violate the school standard of conduct and a description of those sanctions;

The sanctions may include, together with punitive action, voluntary referral to appropriate persons or agencies for screening and assessment. Such referral may only be made to qualified and properly licensed individuals or programs.

- f. provide information about any drug and alcohol counseling and rehabilitation and reentry programs available to students and provide procedures to direct students and their parents to the appropriate programs;

- g. require that all parents and students be given a copy of the standards of conduct regarding the unlawful possession, use, or distribution of illicit drugs and alcohol by students;
- h. require the notification to parents and students that compliance with the standards of conduct is mandatory;
- i. provide a biennial review of the school district's program to determine its effectiveness and implement changes as needed and to ensure that disciplinary sanctions are consistently enforced;
- j. establish means for dealing with students suspected of drug use or suspected of possessing or distributing drugs in school and ensure that the district's policy and administrative guidelines on Search and Seizure Policy 5771 and AG 5771, Suspension and Expulsion Policy 5610 and AG 5610 and Permanent Exclusion Policy 5610.01 and AG 5610.01 are complied with fully.

The Superintendent shall establish administrative guidelines necessary to implement this policy. Such guidelines shall ensure that the proper notice regarding the use of anabolic steroids is posted in each of the district's locker rooms used by students in grades 7-12.

R.C. 2925.37, 3313.60(E), 3313.661, 3313.662, 3313.752, 3313.95, 3319.012  
Public Law 101 – Drug Free Schools and Communities Act of 1986  
20 U.S.C. 3171 et seq.  
20 U.S.C. 3224A

AG 5530

### **Prevention Program Philosophy**

The philosophy of the District's Chemical Abuse Prevention Program reflects the District's mission to provide each student with an innovative and superior education that instills integrity and promotes personal achievement in an ever-changing society. The District's commitment to providing an atmosphere in which all students have the opportunity to achieve their academic and social potential includes efforts to provide a school environment that is free of illicit drug and alcohol use and possession. One important component of these efforts is promoting, through the District's curricula, activities, and programs, a clear message for students that the possession and use of illicit drugs, and the unlawful possession and use of alcohol, are wrong and harmful.

In keeping with all of the foregoing, the District provides a K-12 Comprehensive Chemical Abuse Prevention Program. Emphasis in this age-appropriate developmentally based program is placed on alcohol and other drug education, prevention, intervention, and assistance in a manner that addresses the legal, social, and health consequences of alcohol and drug use and provides information about effective techniques for resisting peer pressure to use illicit drugs and alcohol. The Board believes that, in order to help students make appropriate health-lifestyle decisions, the schools' program efforts in this regard must develop interdependently with those of home and community.

## **General Disciplinary Code**

Compliance with the standards of conduct in this rule is mandatory. Violations of this rule are cumulative within each of the following periods of academic life: (1) grades K through 5; (2) grades 6 through 8; and (3) grades 9 through 12. Disciplinary sanctions, up to and including expulsion, recommendation of permanent exclusion, and referral for prosecution, will be imposed for such violations in accordance with the following:

### **Alcohol, Any Illicit Drug, Unauthorized Prescribed or Prescribed-Controlled Substance, Counterfeit Controlled Substance, or Drug Paraphernalia**

#### **1. No possessing, purchasing, offering to purchase, using, applying, or being under the influence of alcohol, any illicit drug, unauthorized prescribed or prescribed-controlled substance, counterfeit controlled substance, or drug paraphernalia:**

##### **a. First Offense**

1. If the student's presence poses a continuing danger to person or property or an ongoing threat of disrupting the academic process, a parent or guardian of the student will be notified of the incident and will be directed to remove the student from school pending a suspension hearing, which shall be held within three (3) school days of the order of removal. The principal (assistant principal) will notify the student and the student's parent or guardian in writing of an intent to suspend and will arrange a suspension hearing among the student, the student's parent or guardian and the principal or assistant principal.
2. If the student's presence does not pose a danger or threat of disruption as described in (1) above, then the principal will proceed to give the student a written notice of the intention to suspend and the reasons for the intended suspension. The principal will provide the student with an informal hearing to challenge the reason for the intended suspension or otherwise explain the student's actions.
3. The principal or designee will notify the school nurse and the appropriate counselor of the incident.
4. Law enforcement officials shall be notified when required by law.
5. The principal will suspend the student for ten (10) days\* depending on the nature of the violation in compliance with all requirements of law, which suspension may be reduced at the discretion of the principal if the following occur: (1) the student is assessed; (2) the student agrees to follow any appropriate assistance or treatment; and (3) the chemical dependency professional by whom the student is assessed satisfactorily notifies the principal of the foregoing and any other reasonably pertinent information.

\*With respect to any of the suspension periods described in the District Chemical Abuse Prevention and Intervention/Discipline Program, a student shall be considered to have served two school days of suspension for every blocked class missed and will be allowed to return to school to attend (only) those blocked classes after the suspension time has been served as defined herein.



**b. Second Offense**

1. If the student's presence poses a continuing danger to person or property or an ongoing threat of disrupting the academic process, a parent or guardian of the student will be notified of the incident and will be directed to remove the student from school pending a suspension hearing, which shall be held within three (3) school days of the order of removal. The principal will notify the student and the student's parent or guardian in writing of an intent to suspend and will arrange a suspension hearing among the student, the student's parent or guardian and the principal or assistant principal.
2. If the student's presence does not pose a danger or threat of disruption as described in (1) above, then the principal will proceed to give the student a written notice of the intention to suspend and the reasons for the intended suspension. The principal will provide the student with an informal hearing to challenge the reason for the intended suspension or otherwise explain the students' actions.
3. The principal will suspend the student for ten (10) days in compliance with all requirements of law.
4. The principal or designee will notify the school nurse and the appropriate counselor of the incident.
5. Law enforcement officials shall be notified when required by law.
6. The Superintendent will notify the student and the student's parent or guardian in writing of an intent to expel and will arrange an expulsion hearing to involve, when possible, the student, the student's parent or guardian and the Superintendent or designee.
7. The Superintendent will expel the student for the maximum period provided by law in compliance with all requirements thereof, and the student may also be recommended for permanent exclusion if and as permitted by law, provided that expulsion may be reduced to no less than a suspension of ten (10) days, and a determination may be made not to recommend for permanent exclusion, if the following occur: (1) the student is assessed; (2) the student agrees to follow any appropriate assistance or treatment; and (3) the chemical dependency professional by whom the student is assessed satisfactorily notifies the Superintendent of the foregoing and any other reasonably pertinent information.

**c. Third Offense**

1. If the student's presence poses a continuing danger to person or property or an ongoing threat of disrupting the academic process, a parent or guardian of the student will be notified of the incident and will be directed to remove the student from school pending a suspension hearing, which shall be held within three (3) school days of the order of removal. The principal will notify the student and the student's parent or guardian in writing of an intent to suspend and will arrange a suspension hearing among the student, the student's parent or guardian and the principal or assistant principal.

2. If the student's presence does not pose a danger or threat of disruption as described in (1) above, then the principal will proceed to give the student a written notice of the intention to suspend and the reasons for the intended suspension. The principal will provide the student with an informal hearing to challenge the reason for the intended suspension or otherwise explain the student's actions.
  3. The principal will suspend the student for ten (10) days in compliance with all requirements of law.
  4. The principal or designee will notify the school nurse and the appropriate counselor of the incident.
  5. Law enforcement officials shall be notified when permitted by law.
  6. The Superintendent will notify the student and student's parent or guardian in writing of intent to expel and will arrange an expulsion hearing to involve, when possible, the student, the student's parent or guardian and the Superintendent or designee.
  7. The Superintendent will expel the student for the maximum period provided by law in compliance with all requirements thereof, and the student may also be recommended for permanent exclusion if and as permitted by law.
2. **No selling, supplying, or transmitting, or offering to sell, supply, or transmit, alcohol, any illicit drug, unauthorized prescribed or prescribed-controlled substance, counterfeit controlled substance, counterfeit controlled substance device, or drug paraphernalia:**

A first incident shall be treated as a second offense under part 1b immediately above. A second incident of this kind shall be treated as a third offense under part 1c immediately above.

## **Athletic Code**

### **Rules and Penalties**

Four Basic Rules for Student Athletes:

- #1 Follow the Rights and Responsibilities Handbook
- #2 Follow the Rules established by the Coach
- #3 No Tobacco
- #4 No Alcohol or Illegal Substances

#### **RULE #1**

##### **Follow the Rights and Responsibilities Handbook**

Student athletes while under the jurisdiction of the school are required to adhere to all provisions of the **Students' Rights and Responsibilities Handbook**. The principal or designee shall

determine whether a student athlete has violated the **Students' Rights and Responsibilities Handbook**.

### **Penalties for violating Rule #1**

The student athlete will adhere to the penalties related to the violation as provided in the **Students' Rights and Responsibilities Handbook**.

### **RULE #2**

#### **Follow the Rules Established by the Coach**

Student athletes must also adhere to all rules established by the coach(es) of athletics in which the student athlete participates.

### **Penalties for violating Rule #2**

For any alleged violation, the coach and school administration may direct an investigation and make any determination regarding the penalty. The coach and school administration shall have the right to remove a student athlete from immediate participation in any athletics under that coach's supervision if the student athlete's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the athletic team, athletic competition(s), school, travel on any school-provided transportation or any school-sponsored activity held on or off school property.

### **RULE #3**

#### **No Tobacco**

Student athletes shall not use, purchase, and offer to purchase or possess tobacco in any form.

### **Penalties for violating Rule #3**

**For the first offense**, the student athlete must participate in an intervention and assistance program for tobacco use as directed by the administration. If the student athlete and/or the parent(s) or guardian(s) refuses to have the student athlete attend such a program, the student athlete cannot participate in any athletic activity for one calendar year from the date of refusal/failure to participate.

**For the second offense**, the student athlete will lose 10% of competition participation based on the number of regular season games and must participate in the following: (1) receive assessment; (2) attend an appropriate intervention and assistance program and/or receive any appropriate treatment; and (3) provide satisfactory proof of the foregoing and any other reasonably pertinent information to the principal or designee. If the student athlete and/or the parent(s) or guardian(s) refuses or fails to participate in the above requirements, the student athlete cannot participate in any athletic activity for one calendar year from the date of refusal/failure to participate.

**For the third and subsequent offenses**, the student athlete will lose 20% of competition participation based on the number of regular season games and must participate in the following: (1) receive assessment; (2) attend any appropriate intervention and assistance

program and/or receive any appropriate treatment; and (3) provide satisfactory proof of the foregoing and any other reasonably pertinent information to the principal or designee. If the student athlete and/or the parent(s) or guardian(s) refuses or fails to participate in the above requirements, the student athlete cannot participate in any athletic activity for one calendar year from the date of the violation and the student athlete will be advised to attend further assessment and intervention.

#### **RULE #4**

##### **No Alcohol or Illegal Substances**

Student athletes shall not use, purchase, and offer to purchase or possess the following substances:

- Alcohol in any form;
- Mind altering chemicals;
- Build altering chemicals;
- Drug paraphernalia; or
- Counterfeit controlled substances.

##### **Penalties for violating Rule #4**

**For the first offense**, the student athlete will lose 10% of competition participation based on the number of regular season games and must participate in the following: (1) receive assessment; (2) attend an appropriate intervention and assistance program and/or receive any appropriate treatment; and (3) provide satisfactory proof of the foregoing and any other reasonably pertinent information to the principal or designee. If the student athlete and/or the parent(s) or guardian(s) refuses or fails to participate in the above requirements, the student athlete cannot participate in any athletic activity for one calendar year from the date of refusal/failure to participate.

**For the second offense**, the student athlete will lose 20% of competition participation based on the number of regular season games and must participate in the following: (1) receive assessment; (2) attend an appropriate intervention and assistance program and/or receive any appropriate treatment; and (3) provide satisfactory proof of the foregoing and any other reasonably pertinent information to the principal or designee. If the student athlete and/or the parent(s) or guardian(s) refuses or fails to participate in the above requirements, the student athlete cannot participate in any athletic activity for one calendar year from the date of refusal/failure to participate.

**For the third and subsequent offenses**, the student athlete will not be permitted to participate in any athletic activity for a minimum of six months and up to a maximum of one calendar year from the date of the violation. The length of time the student athlete will be denied the right to participate will be determined by the building administrator. The student athlete will also be advised to attend further assessment and intervention.

1. For the purpose of cumulating violations of the Code, there shall be two separate periods of academic life: (1) grades 7 through 8 and (2) grades 9 through 12. The first period will end the last official school day for grade 8; the second period will begin at the end of the first period and will end the last official school date for grade 12. Within each of these two separate periods of academic life, violations of this Code shall be cumulative.

2. With respect to alleged violations of parts 3 and 4 under “Rules and Penalties,” the principal or designee shall notify the student athlete and the student athlete’s parent(s) or guardian(s) of any alleged violation. The principal or designee will investigate the alleged violation by contacting the student athlete, the student athlete’s parent(s) or guardian(s) and any other individuals the principal or designee deems necessary in his/her discretion. The principal or designee shall determine the appropriate penalty as soon as reasonably possible after investigating the alleged violation.
3. The standard used to determine whether a student athlete has violated the Athletic Code will be the preponderance of evidence standard: the administrator making a determination about whether a student athlete has violated the Athletic Code will consider all evidence presented to him/her. The administrator will determine whether it is more probable than not that the student athlete has violated the Athletic Code.
4. Notwithstanding the other provisions of the Code, the following shall be permitted:
  - A parent or guardian of a student athlete may serve alcohol as permitted by law to the student athlete;
  - A student athlete may observe bona fide religious practices;
  - The Athletic Council may modify penalties and provide conditions in its sole discretion where medical or psychological documentation has been presented which sufficiently demonstrates that penalties imposed under this Code will have extreme consequences for a student athlete’s well being.
  - A student athlete may use build altering chemicals that have been medically prescribed for a purpose other than enhancement of athletic ability if (a) the athlete’s pertinent medical records are made available for review by the Board’s appointed physician and (b) that the physician confirms the proper purpose of such prescription.

For the student athlete to be eligible to be elected captain of an athletic team, he/she cannot have had an athletic code violation during the calendar year prior to the beginning of the season in which he/she is to serve. A student athlete currently serving or elected to serve as a team leader who has violated Rule 3 or 4 under “Requirements and Penalties” shall be immediately ineligible to serve in any athletic leadership position for the remainder of his/her academic life.

## **Extracurricular Code**

### **Preamble**

Participation in extracurricular activities is a privilege extended to all students who meet the eligibility requirements. One of the requirements is compliance with the Extracurricular Code which is supportive of the District’s commitment to provide a drug-free atmosphere where all students have the opportunity to achieve their academic and social potential. To that end, extracurricular activities and programs promote and reinforce a clear no-use message for students.

### **Rules and Penalties**

#### **Five Basic Rules for Student Participating in Extracurricular Activities:**

- #1 Follow the Rights and Responsibilities Handbook

- #2 Follow the Rules established by the Advisor/Coach
- #3 No Tobacco
- #4 No Alcohol or Illegal Substances
- #5 Violations of the Extracurricular Code will lead to subsequent penalties for participation in extracurricular activities.

## **RULE #1**

### **Follow the Rights and Responsibilities Handbook**

Students while under the jurisdiction of the school are required to adhere to all provisions of the **Students' Rights and Responsibilities Handbook**. The principal or designee shall determine whether a student has violated the **Students' Rights and Responsibilities Handbook**.

#### **Penalties for violating Rule #1**

The student will adhere to the penalties related to the violation as provided in the **Students' Rights and Responsibilities Handbook**.

## **RULE #2**

### **Follow the Rules Established by the Advisor/Coach**

Students must also adhere to all rules established by the advisor(s)/coach(es) in which the student participates.

#### **Penalties for violating Rule #2**

For any alleged violation, the advisor/coach and school administration may direct an investigation and make any determination regarding the penalty. The advisor/coach and school administration shall have the right to remove a student from immediate participation in any activities under that advisor's/coach's supervision if the student's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the team, competition(s), school, travel on any school-provided transportation or any school-sponsored activity held on or off school property.

## **RULE #3**

### **No Tobacco**

Student shall not use, purchase, and offer to purchase or possess tobacco in any form.

#### **Penalties for violating Rule #3**

**For the first offense**, the student must participate in an intervention and assistance program for tobacco use as directed by the administration. If the student and/or the parent(s) or guardian(s) refuses to have the student attend such a program, the student cannot participate in any activity for one calendar year from the date of refusal/failure to participate.

**For the second offense**, the student will lose 10% of competition participation based on the number of regular season games or activities and must participate in the following: (1) receive

assessment; (2) attend an appropriate intervention and assistance program and/or receive any appropriate treatment; and (3) provide satisfactory proof of the foregoing and any other reasonably pertinent information to the principal or designee. If the student and/or the parent(s) or guardian(s) refuses or fails to participate in the above requirements, the student cannot participate in any extracurricular activity for one calendar year from the date of refusal/failure to participate.

**For the third and subsequent offenses**, the student will lose 20% of competition participation based on the number of regular season games or activities and must participate in the following: (1) receive assessment; (2) attend any appropriate intervention and assistance program and/or receive any appropriate treatment; and (3) provide satisfactory proof of the foregoing and any other reasonably pertinent information to the principal or designee. If the student and/or the parent(s) or guardian(s) refuses or fails to participate in the above requirements, the student cannot participate in any extracurricular activity for one calendar year from the date of the violation and the student will be advised to attend further assessment and intervention.

#### **RULE #4**

##### **No Alcohol or Illegal Substances**

Student shall not use, purchase, and offer to purchase or possess the following substances:

- Alcohol in any form;
- Mind altering chemicals;
- Build altering chemicals;
- Drug paraphernalia; or
- Counterfeit controlled substances.

##### **Penalties for violating Rule #4**

**For the first offense**, the student will lose 10% of competition participation based on the number of regular season games or activities and must participate in the following: (1) receive assessment; (2) attend an appropriate intervention and assistance program and/or receive any appropriate treatment; and (3) provide satisfactory proof of the foregoing and any other reasonably pertinent information to the principal or designee. If the student and/or the parent(s) or guardian(s) refuses or fails to participate in the above requirements, the student cannot participate in any extracurricular activity for one calendar year from the date of refusal/failure to participate.

**For the second offense**, the student will lose 20% of competition participation based on the number of regular season games or activities and must participate in the following: (1) receive assessment; (2) attend an appropriate intervention and assistance program and/or receive any appropriate treatment; and (3) provide satisfactory proof of the foregoing and any other reasonably pertinent information to the principal or designee. If the student and/or the parent(s) or guardian(s) refuses or fails to participate in the above requirements, the student cannot participate in any extracurricular activity for one calendar year from the date of refusal/failure to participate.

**For the third and subsequent offenses**, the student will not be permitted to participate in any extracurricular activity for a minimum of six months and up to a maximum of one calendar year from the date of the violation. The length of time the student will be denied the right to

participate will be determined by the building administrator. The student will also be advised to attend further assessment and intervention.

1. For the purpose of cumulating violations of the Code, there shall be two separate periods of academic life: (1) grades 7 through 8 and (2) grades 9 through 12. The first period will end the last official school day for grade 8; the second period will begin at the end of the first period and will end the last official school date for grade 12. Within each of these two separate periods of academic life, violations of this Code shall be cumulative.
2. With respect to alleged violations of parts 3 and 4 under “Rules and Penalties,” the principal or designee shall notify the student and the student’s parent(s) or guardian(s) of any alleged violation. The principal or designee will investigate the alleged violation by contacting the student, the student’s parent(s) or guardian(s) and any other individuals the principal or designee deems necessary in his/her discretion. The principal or designee shall determine the appropriate penalty as soon as reasonably possible after investigating the alleged violation.
3. The standard used to determine whether a student has violated the Extracurricular Code will be the preponderance of evidence standard: the administrator making a determination about whether a student has violated the Extracurricular Code will consider all evidence presented to him/her. The administrator will determine whether it is more probable than not that the student athlete has violated the Extracurricular Code.
4. Notwithstanding the other provisions of the Code, the following shall be permitted:
  - A parent or guardian of a student may serve alcohol as permitted by law to the student;
  - A student may observe bona fide religious practices;
  - The Administration may modify penalties and provide conditions in its sole discretion where medical or psychological documentation has been presented which sufficiently demonstrates that penalties imposed under this Code will have extreme consequences for a student’s well being.
  - A student may use build altering chemicals that have been medically prescribed if (a) the student’s pertinent medical records are made available for review by the Board’s appointed physician and (b) that the physician confirms the proper purpose of such prescription.

A student currently serving or elected to serve as a team leader who has violated rule 3 or 4 under “Requirements and Penalties” shall be immediately ineligible to serve in any extracurricular activity leadership position for the remainder of his/her academic life.

### **Definitions of Terms Used in the Athletic and Extracurricular Codes**

The following are definitions of words and phrases used in the Athletic and Extracurricular Codes.

1. **“Assessment”** means an assessment by a certified chemical dependency counselor (CCDC) outside of but approved by the District. The CCDC will make an estimate or judgment as to physical or psychological condition of the student.



2. **“Athletic Council”** means the governing body for athletics at the middle and high school level. The Athletic Council consists of the Superintendent, the two middle school principals, the high school principal, the assistant high school principal for athletics, and other members designated by the Superintendent.
3. **“Build altering chemicals”** includes, without limitation, anabolic steroids, growth hormones, testosterone or its analogs, human chorionic gonadotropin (HCG), and other hormones.
4. **“Calendar year”** means the period of twelve (12) consecutive months.
5. **“Competition or participation”** i.e., games, matches, tournaments, meets, contests, performances, meetings, projects, etc., during the regular season in which the student is academically eligible and is physically able to participate. The percentage loss of “Competition or participation” will extend into the next activity/sport season in which the student participates, if he or she has not completed the penalty imposed.
6. **“Unauthorized Prescribed and prescribed-controlled substance and counterfeit controlled substance”** means any of the following:
  - a. A drug, it’s container or label which bears a trademark, trade name, or other identifying mark used without authorization of the owner (manufacturer), or rights to its trademark, trade name, or identifying mark;
  - b. Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packaged, or distributed by a person other than the person that manufactured, processed, packaged, or distributed it;
  - c. Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance.
  - d. Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size, and color, or its markings, labeling, packaging, distribution, or the price for which it is sold or offered for sale.
7. **“Drug paraphernalia”** includes, without limitations, items described in 21 United States Code Section 863, ORC Section 2925.14, or Upper Arlington Codified Ordinance Section 511.07.
8. **“Intervention and Assistance Program”** means help or aid secured from programs of the District, such as school-sponsored support groups, or programs approved by the District.
9. **“Mind altering chemicals”** includes, without limitation, narcotics, depressants, stimulants, hallucinogens, marijuana and prescription drugs, unless authorized by a medical prescription from a licensed physician. A student taking a prescription drug must do so in accordance with that prescription. The prescription must be kept in its original container which states the student’s name and directions for proper use.

10. **“Parent”** means the student’s parent, unless the rights of that parent have been restricted by court order or legal agreement, guardian, or legal custodian.
11. **“Possess”** means either (a) physical or actual control of alcohol, mind altering chemicals, build altering chemicals, tobacco, drug paraphernalia, unauthorized prescribed or prescribed-controlled substance, counterfeit controlled substance (e.g., on person, in a locker, in book bag, or in student’s automobile); or (b) permitting other persons to possess alcohol, mind altering chemicals, build altering chemicals, drug paraphernalia, prescribed or prescribed-controlled substance, counterfeit controlled substances in locations (e.g., automobile, home, etc.) for which the student has responsibility.
12. **“Student”** for the purposes of the Extracurricular Code means any student who participates in any extracurricular activity. Once a student participates in an extracurricular activity, that student is a “student” for purposes of the extracurricular code for the remainder of the period of academic life the student is in at that time. There are two separate periods of academic life: (1) grades 7 through 8 and (2) grades 9 through 12. The code is in effect for the entire period of the student’s academic life.
13. **“Student Athlete”** means any student who participates on any athletic team. Once a student participates on an athletic team, that student is a “student athlete” for the remainder of the period of academic life the student is in at that time. There are two separate periods of academic life: (1) grades 7 through 8 and (2) grades 9 through 12. The code is in effect for the entire period of the student athlete’s academic life.
14. **“Student Council Officer or Representative”** means any student elected to serve on Student Council in grades 6 through 12. A student becomes a Student Council Officer or Representative on the date the election results are announced and continues to be such through the last school day of the year for which he/she was elected.
15. **“Treatment”** means a professional outside of the District applying remedies in order to cure or heal.
16. **“Under the influence”** means manifesting signs of chemical misuse, such as staggering, reddened eyes, odor of chemicals, nervousness, restlessness, memory loss, abusive language, falling asleep in class, or any other like behavior not normal for the particular student.

### **Employee Information, Responsibility, and Authority**

All staff members in the District will be informed of their responsibility for reporting and liability for not reporting all violations of this rule to a building administrator. Staff will have the information and administrative procedures necessary to fulfill their responsibilities.

Administrators will follow the above-listed procedures and adhere to all requirements of law in suspending and expelling students or recommending their permanent exclusion. In order to protect the health or safety of its students and other individuals, the District reserves the right to file complaints in Franklin County Juvenile Court regarding any violations of this regulation, or otherwise make referrals for prosecution, in connection with any violations of the General Code set forth above.

## F. SEARCH AND SEIZURE

The Board of Education recognizes that the privacy of students or their belongings may not be violated by unreasonable search and seizure and directs that no student be searched without reasonable suspicion or in an unreasonable manner.

The Board acknowledges the need for in-school storage of student possessions and shall provide storage places, including desks and lockers, for that purpose. Such spaces remain the property of the Board and, in accordance with law, may be the subject of random search. Where locks are provided for such places, students may lock them against incursion by other students, but in no such places shall students have such an expectation of privacy as to prevent examination by a school official. The Board directs the school principals to conduct a routine inspection at least annually of all such storage places.

School authorities are charged with the responsibility of safeguarding the safety and well being of the students in their care. In the discharge of that responsibility, school authorities may search the person or property, including vehicles, of a student, with or without the student's consent, whenever they reasonably suspect that the search is required to discover evidence of a violation of law or of school rules. The extent of the search will be governed by the seriousness of the alleged infraction and the student's age.

This authorization to search shall also apply to all situations in which the student is under the jurisdiction of the Board.

Search of a student's person or intimate personal belongings should be conducted in the presence of another staff member and only in exceptional circumstances when the health or safety of the student or of others is immediately threatened.

Administrators are authorized to arrange for the use of a breath-test instrument for the purpose of determining if a student has consumed an alcoholic beverage. It is not necessary for the test to determine blood-alcohol level, since the Board has established a zero tolerance for alcohol use.

The Board also authorizes the use of canines, trained in detecting the presence of drugs or devices, when the Superintendent has reasonable suspicion that illegal drugs or devices may be present in a school. This means of detection shall be used only to determine the presence of drugs in locker areas and other places on school property where such substances could be concealed. Canine detection must be conducted in collaboration with law enforcement authorities or with organizations certified in canine detection and is not to be used to search individual students unless a warrant has been obtained prior to the search.

Except as provided below, a request for the search of a student or a student's possessions will be directed to the principal who shall seek the freely offered consent of the student to the inspection. Whenever possible, a search will be conducted by the principal in the presence of the student and a staff member other than the principal. A search prompted by the reasonable belief that health and safety are immediately threatened will be conducted with as much speed and dispatch as may be required to protect persons and property.

The principal shall be responsible for the custody, control, and disposition of any illegal or dangerous substance or object taken from a student.

The Superintendent shall prepare administrative guidelines to implement this policy.

R.C. 3313.20

U.S. Constitution, 4th Amendment

AG 5517

## **G. ANTI-HARASSMENT**

### **Relevant Definitions**

"School District community" includes students, administrators, teachers, staff, and all other school personnel, including Board members, agents, volunteers, contractors or other persons subject to the control and supervision of the Board of Education.

"Third parties" include, but are not limited to, guests and/or visitors on School District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the School District community at school-related events/activities (whether on or off School District property).

"Sexual Harassment" has the same definition as set forth in the policy of the Board as reflective of the definition set forth in Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and the Ohio Revised Code 4112.02.

### **Prohibited Behavior**

a. Conduct constituting sexual harassment may take different forms, including, but not limited to, the following:

1. **Verbal:**

The making of offensive written or oral sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, threats, or propositions toward or by a fellow staff member, student, or other person associated with the District, or third parties.

2. **Nonverbal:**

Causing the placement of offensive sexually suggestive objects, pictures, or graphic commentaries in the school environment or the making of offensive sexually suggestive or insulting gestures, sounds, leering, whistling, and the like to or by a fellow staff member, student, or other person associated with the District, or third parties.

3. **Physical Contact:**

Threatening or causing unwanted touching, contact, or attempts at same, including patting, pinching, brushing the body, or coerced sexual activity with or by a fellow staff member, student, or other person associated with the District, or third parties.

b. Conduct constituting harassment on the basis of race, color, national origin, religion, or disability may take different forms, including, but not limited to, the following:

1. **Verbal:**

The making of offensive written or oral innuendoes, comments, jokes, insults, threats, or disparaging remarks concerning a person's race, color, national origin, religious beliefs, or disability.

2. **Nonverbal:**

Placing offensive objects, pictures, or graphic commentaries in the school environment or making insulting or threatening gestures based upon a person's race, color, national origin, religious beliefs, or disability.

3. **Physical:**

Any intimidating or disparaging action such as hitting, pushing, shoving, hissing, or spitting on or by a fellow staff member, student, or other person associated with the District, or third parties, based upon the person's race, color, national origin, religious beliefs, or disability.

### **Anti-Harassment Complaint Coordinators**

The following individuals shall serve as "Anti-Harassment Complaint Coordinators" for the School District, hereinafter referred to as the "Complaint Coordinators".

Assistant Superintendent  
1950 N. Mallway Drive  
Upper Arlington, OH 43221  
(614) 487-5000

Building Principal  
1950 N. Mallway Drive  
Upper Arlington, OH 43221  
(614) 487-5000

The Complaint Coordinators will be available during regular school/work hours to discuss concerns related to unlawful harassment, to assist members of the School District community and third parties who seek support or advice when informing another individual about "unwelcome" conduct, or to intercede informally on behalf of the member of the School District community or third party.

Complaint Coordinators shall accept complaints of unlawful harassment directly from any member of the School District community or a visitor to the District, or receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint either directly or through a school building administrator, the Complaint Coordinator will begin either an informal or formal process (depending on the request of the individual alleging sexual harassment), or the Complaint Coordinator will designate a specific individual to conduct such a process. In the case of a formal complaint, the Complaint Coordinator will prepare recommendations for the Superintendent or will oversee the preparation of such recommendations by a designee. All members of the School District community must report incidents of harassment that are reported to them to the Complaint Coordinator as soon as possible of learning of the incident.

## **Investigation and Complaint Procedure**

Any member of the School District community or third party who believes that s/he has been subjected to unlawful harassment may seek resolution of his/her complaint through either the informal or formal procedures as described below. While there are no time limits for initiating a complaint of harassment, individuals should make every effort to file an informal or a formal complaint as soon as possible after the harassing conduct occurs. Both the informal and formal procedures are established to provide a prompt and equitable process for resolving complaints of unlawful harassment.

### **Informal Complaint Procedure**

The goal of the informal complaint procedure is to stop inappropriate behavior and to investigate and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a member of the School District community or third party who believes s/he has been unlawfully harassed. This informal procedure is not required as a precursor to the filing of a formal complaint.

As an initial course of action, if a member of the School District community or third party feels that s/he is being unlawfully harassed and s/he is able and feels safe doing so, the individual should tell or otherwise inform the harasser that the conduct is unwelcome and must stop. The complaining individual should address the allegedly harassing conduct as soon after it occurs as possible. The Complaint Coordinator is available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so. An individual who is uncomfortable or unwilling to inform the harasser of his/her complaint is not prohibited from otherwise filing an informal or a formal complaint.

A member of the School District community or third party who believes s/he has been unlawfully harassed may make an informal complaint, either orally or in writing: (1) to a building administrator in the building where the individual is employed; (2) to a building administrator in the building where the student attends; (3) to the Superintendent if the individual is not employed in or attending a specific school building; and/or (4) to the Complaint Coordinator. All informal complaints must be reported to the Complaint Coordinator who will either facilitate an informal resolution as described below on his/her own, or appoint another individual to facilitate an informal resolution.

The School District's informal complaint procedure is designed to provide members of the School District community and third parties who believe they are being unlawfully harassed with a range of options designed to bring about a resolution of their concerns. Depending upon the nature of the complaint and the wishes of the member of the School District community or third party claiming unlawful harassment, informal resolution may involve, but not be limited to, one or more of the following:

- a. Advising the member of the School District community or third party about how to communicate the unwelcome nature of the behavior to the alleged harasser.
- b. Distributing a copy of the Anti-Harassment Policy as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works or attends.
- c. If both parties agree, the Complaint Coordinator may arrange and facilitate a meeting between the member of the School District community or third party claiming harassment and the individual accused of harassment to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the Complaint Coordinator will exercise his/her authority to attempt to resolve all informal complaints within two (2) weeks of receiving the informal complaint. Those members of the School District community or third parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint.

All materials generated, as part of the informal complaint process will be retained by the Complaint Coordinator in accordance with the Board's records retention policy.

### **Formal Complaint Procedure**

If a complaint is not resolved through the informal complaint process, or if the member of the School District community or third party elects to file a formal complaint initially, the formal complaint process shall be implemented.

A member of the School District community or third party who believes they have been subjected to offensive conduct/harassment hereinafter referred to as the "Complainant", may file a formal complaint, either orally or in writing with the Complaint Coordinator. If a Complainant informs any other employee of the School District, either orally or in writing, about any complaint of harassment, that employee must immediately report such information to the Complaint Coordinator, thereafter the Complaint Coordinator must contact the Complainant to determine whether the Complainant wishes to file a formal or an informal Complaint.

Throughout the course of the process, the Complaint Coordinator should keep the Complainant informed of the status of the investigation and the decision making process.

All formal complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in, offensive conduct/harassment; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and, identification of the resolution which the Complainant seeks.

If the Complainant is unwilling to provide a written statement including the information set forth above, the Complaint Coordinator shall ask for such details in an oral interview. Thereafter the Complaint Coordinator will prepare a written summary of the oral interview which will be presented to the Complainant for verification by signature.

Upon receiving a formal complaint, the Complaint Coordinator will consider whether any action should be taken in the investigatory phase to protect the Complainant from further harassment or retaliation including but not limited to, a change of job assignment or a change of class schedule. In making such a determination, the Complaint Coordinator should consult the Complainant to assess his/her agreement to any action deemed appropriate. If the Complainant is unwilling to consent to any change which is deemed appropriate by the Complaint Coordinator, the Complaint Coordinator may still take whatever actions s/he deem appropriate in consultation with the Superintendent.

Within two (2) business days of receiving a formal complaint, the Complaint Coordinator will inform the individual alleged to have engaged in the harassing conduct, hereinafter referred to as the "Respondent," that a complaint has been received. The Respondent will be informed about the nature of the allegations and a copy of these Administrative Guidelines and the Board Anti-Harassment Policy shall be provided to the Respondent at that time. The Respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Within two (2) business days of receiving the complaint, the Complaint Coordinator or a designee will initiate a formal investigation to determine whether the Complainant has been subject to offensive conduct/harassment.

Although certain cases may require additional time, the Complaint Coordinator or a designee will attempt to complete an investigation into the allegations of harassment within fourteen (14) calendar days of receiving the formal complaint. The investigation will include:

- a. interviews with the Complainant;
- b. interviews with the Respondent;
- c. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;
- d. consideration of any documentation or other information which is reasonably believed to be relevant to the allegations.

In determining whether the alleged conduct constitutes a violation of Policy 5517, the District will consider:

- a. the nature of the behavior;
- b. how often the conduct occurred;
- c. whether there were past incidents or past continuing patterns of behavior;
- d. the relationship between the parties involved;
- e. the race, national origin, sex, religion, age, and/or disability of the victim;
- f. the identity of the perpetrator, including whether the perpetrator was in a position of power over the person allegedly subjected to harassment;
- g. the number of alleged harassers;
- h. the age of the alleged harasser(s);
- i. where the harassment occurred;
- j. whether there have been other incidents in the school involving the same or other individuals;
- k. whether the conduct adversely affected the person's work or education performance or environment;
- l. the context in which the alleged incidents occurred; and
- m. whether or not speech or expression that is alleged to constitute harassment is protected by the First Amendment to the United States Constitution;
- n. whether a particular action or incident constitutes a violation of Policy 5517 requires a determination based on all the facts and surrounding circumstances.



At the conclusion of the investigation, the Complaint Coordinator or the designee shall prepare and deliver a written report to the Superintendent which summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful harassment as provided in Board policy and State and Federal law as to whether the Complainant has been subject to unlawful harassment. The Complaint Coordinator's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved.

Absent extenuating circumstances, within five (5) business days of receiving the report of the Complaint Coordinator or the designee, the Superintendent must either issue a final decision regarding whether or not the complaint of harassment has been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the Complainant and the Respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) business days. At the conclusion of the additional investigation, the Superintendent must issue a final written decision as described above.

A Complainant or Respondent who is dissatisfied with the final decision of the Superintendent may appeal to the Board by filing a written notice of appeal with the Superintendent within ten (10) business days of the date of the Superintendent's final decision.

Upon receipt of a notice of appeal of the final decision of the Superintendent, the Board shall meet in executive session at its next regularly scheduled meeting, which is scheduled to occur at least ten (10) days after the Superintendent's receipt of the appeal notice, to review the matter. Following the executive session, the Board will affirm or reject the final decision of the Superintendent. The decision of the Board will be final.

### **Confidentiality**

The School District will make all reasonable efforts to protect the rights of the Complainant and the Respondent. The School District will respect the privacy of the Complainant, the Respondent, and all witnesses in a manner consistent with the School District's legal obligations under State and Federal law. Confidentiality cannot be guaranteed however. All Complainants proceeding through the formal investigation process should be advised that their identities may be disclosed to the Respondent.

During the course of a formal investigation, the Complaint Coordinator or his/her designee will instruct all members of the School District community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that s/he learns or that s/he provides during the course of the investigation.

All public records created as a part of an investigation of a complaint of harassment will be maintained by the Complaint Coordinator in accordance with the Board's records retention policy. Any records which are considered student records in accordance with the Family Educational Rights and Privacy Act or under Ohio's student records law will be maintained in a manner consistent with the provisions of the Federal and State law.

## **Allegations Constituting Criminal Conduct: Child Abuse/Sexual Misconduct**

State law requires any school teacher or school employee who knows or suspects that a child with a disability under the age of twenty-one (21) or that a child under the age of eighteen (18) has suffered or faces a threat of suffering a physical or mental wound, disability or condition of a nature that reasonably indicates abuse or neglect of a child to immediately report that knowledge or suspicion to the county children's services agency. If, during the course of a harassment investigation, the Complaint Coordinator or a designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the Complainant, a report of such knowledge must be made in accordance with State law and Board Policy.

State law defines certain contact between a teacher and a student as "sexual battery." If the Complaint Coordinator or a designee has reason to believe that the Complainant has been the victim of criminal conduct as defined in Ohio's Criminal Code, such knowledge should be reported to local law enforcement.

Any reports made to a county children's services agency or to local law enforcement shall not terminate the Complaint Coordinator or a designee's obligation and responsibility to continue to investigate a complaint of harassment. While the Complaint Coordinator or a designee may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the harassment investigation be inhibited by the involvement of outside agencies without good cause after consultation with the Superintendent.

5517.01

## **H. BULLYING AND OTHER FORMS OF AGGRESSIVE BEHAVIOR**

The Board of Education is committed to providing a safe, positive, productive, and nurturing educational environment for all of its students. The Board encourages the promotion of positive interpersonal relations between members of the school community.

Harassment, intimidation, or bullying toward a student, whether by other students, staff, or third parties is strictly prohibited and will not be tolerated. This prohibition includes aggressive behavior, physical, verbal and psychological abuse. The Board of Education will not tolerate any gestures, comments, threats, or actions, which cause or threaten to cause bodily harm or personal degradation. This policy applies to all activities in the District, including activities on school property or while enroute to or from school, and those occurring off school property if the student or employee is at any school-sponsored, school-approved or school-related activity or function, such as field trips or athletic events where students are under the school's control, in a school vehicle, or where an employee is engaged in school business.

This policy has been developed in consultation with parents, District employees, volunteers, students and community members as prescribed in R.C. 3313.666 and the State Board of Education's Model Policy.

Harassment, intimidation, or bullying means any intentional written, verbal, graphic, or physical act that a student or group of students exhibits toward another particular student(s) generally more than once and the behavior both causes mental or physical harm to the other student(s) and is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student(s). Aggressive behavior is defined as inappropriate conduct that is repeated enough, or serious enough, to negatively impact a student's educational, physical, or emotional well-being. This type of behavior is a form of

intimidation and harassment, although it need not be based on any of the legally protected characteristics, such as sex, race, color, national origin, marital status, or disability. It would include, but not be limited to, such behaviors as stalking, bullying/cyberbullying, intimidating, menacing, coercion, name-calling, taunting, making threats, and hazing.

Harassment, intimidation, or bullying also means electronically transmitted acts (e.g., internet, e-mail, cellular telephone, personal digital assistance (PDA), or wireless hand-held device) that a student or a group of students exhibits toward another particular student(s) generally more than once and the behavior both causes mental and/or physical harm to the other student and is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student(s).

Any student or student's parent/guardian who believes s/he has been or is the recipient of aggressive behavior should immediately report the situation to the school counselor, building principal or assistant principal, or the Superintendent. The student may also report concerns to a teacher and other school staff who will be responsible for notifying the appropriate administrator or Board official. Complaints about aggressive behavior against the building principal should be filed with the Superintendent. Complaints about aggressive behavior against the Superintendent should be filed with the Board President. If a student or other individual believes there has been aggressive behavior, regardless of whether it fits a particular definition, s/he should report it and allow the administration to determine the appropriate course of action.

Every student is encouraged, and every staff member is required, to report any situation that they believe to be aggressive behavior directed toward a student. Reports may be made to those identified above.

All complaints about aggressive behavior that may violate this policy shall be promptly investigated. The building principal or appropriate administrator shall prepare a written report of the investigation upon completion. Such report shall include findings of fact, a determination of whether acts of harassment, intimidation, and/or bullying were verified, and, when prohibited acts are verified, a recommendation for intervention, including disciplinary action, shall be in the report. When appropriate, written witness statements shall be attached to the report.

If the investigation finds an instance of harassment, intimidation, and or bullying has occurred, it will result in prompt and appropriate remedial and/or disciplinary action. This may include up to expulsion for students, up to discharge for employees, exclusion for parents, guests, volunteers, and contractors, and removal from any official position and/or a request to resign for Board members. Individuals may also be referred to law enforcement officials.

Retaliation against any person who reports, is thought to have reported, files a complaint, or otherwise participates in an investigation or inquiry concerning allegations of aggressive behavior is prohibited and will not be tolerated. Such retaliation shall be considered a serious violation of Board policy and independent of whether a complaint is substantiated. Suspected retaliation should be reported in the same manner as aggressive behavior. Making intentionally false reports about aggressive behavior is similarly prohibited and will not be tolerated. Retaliation and intentionally false reports may result in disciplinary action as indicated above.

This policy shall not be interpreted as infringing upon the First Amendment rights of students (i.e., to prohibit a reasoned and civil exchange of opinions, or debate, that is conducted at appropriate times and places during the school day and is protected by State or Federal law).

The complainant shall be notified of the findings of the investigation, and as appropriate, that action has been taken. If after investigation, acts of bullying against a specific student are

verified, the building principal or appropriate administrator shall notify the parent/guardian of the recipient of aggressive behavior of such findings. In providing such notifications care shall be taken to respect the statutory privacy rights of the perpetrator of such harassment, intimidation, and/or bullying.

If after investigation the act(s) of harassment, intimidation, and/or bullying by a specific student is/are verified, the building principal or appropriate administrator shall notify in writing the parent/guardian of the perpetrator of that finding. If disciplinary consequences are imposed against such student, a description of such discipline shall be included in the notification.

### **Complaints**

Students and/or their parents/guardians may file reports regarding suspected harassment, intimidation, or bullying by completing Form 5517.01F. Such reports shall be reasonably specific including person(s) involved, number of times and places of the alleged conduct, the target of suspected harassment, intimidation, and/or bullying, and the names of any potential student or staff witnesses. Such reports may be filed with any school staff member or administrator, and they shall be promptly forwarded to the building principal for review, investigation, and action.

Students and/or their parents/guardians may make informal complaints of conduct that they consider to be harassment, intimidation, and/or bullying by verbal report to a teacher, school administrator, or other school personnel. Such informal complaints shall be reasonably specific including person(s) involved, number of times and places of the alleged conduct, the target of suspected harassment, intimidation, and/or bullying, and the names of any potential student or staff witnesses. A school staff member or administrator who received an informal complaint shall promptly document the complaint in writing by completing Form 5517.01F. This written report shall be promptly forwarded by the school staff member and/or administrator to the building principal for review, investigation, and appropriate action.

### **Privacy/Confidentiality**

The School District will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under this policy and its related administrative guidelines shall be maintained as confidential to the extent permitted by law. Students who make informal complaints as provided above may request that their name be maintained in confidence by the school staff member(s) and administrator(s) who receive the complaint.

### **Reporting Requirement**

At least semi-annually, the Superintendent shall provide to the President of the Board a written summary of the number of verified acts of harassment, intimidation, and/or bullying. The summary shall be posted on the District website.

Allegations of criminal misconduct and suspected child abuse will be reported to the appropriate law enforcement agency and/or to Child Protective Services in accordance with statute. District personnel shall cooperate with investigations by such agencies.

## **Immunity**

A school district employee, student, or volunteer shall be individually immune from liability in a civil action for damages arising from reporting an incident in accordance with this policy and R.C. 3313.666 if that person reports an incident of harassment, intimidation, and/or bullying promptly, in good faith, and in compliance with the procedures specified in this policy. Such immunity from liability shall not apply to an employee, student, or volunteer determined to have made an intentionally false report about harassment, intimidation, and/or bullying.

## **Notification**

Notice of this policy will be annually circulated to and posted in conspicuous locations in all school buildings and departments within the District and discussed with students, as well as incorporated into the teacher, student, and parent/guardian handbooks. State and Federal rights posters on discrimination and harassment shall also be posted at each building. All new hires will be required to review and sign off on this policy and the related complaint procedure.

## **Education and Training**

In support of this policy, the Board promotes preventative educational measures to create greater awareness of aggressive behavior, including bullying. The Superintendent shall provide appropriate training to all members of the School District community related to the implementation of this policy and its accompanying administrative guidelines. All training regarding the Board's policy and administrative guidelines and aggressive behavior and bullying in general, will be age and content appropriate.

The Superintendent is directed to develop administrative guidelines to implement this policy. Guidelines shall include reporting and investigative procedures, as needed. The complaint procedure established by the Superintendent shall be followed.

R.C. 3313.666, 3313.6676  
State Board of Education Model Policy (2007)  
Revised 12/10/07

### **I. NOTICE OF NONDISCRIMINATION AND GRIEVANCE PROCEDURES (INCLUDING TITLE II, TITLE VI, TITLE VII, AND TITLE IX, SECTION 504, AND ADA)**

The Board of Education does not discriminate on the basis of race, color, religion, national origin, sex, disability, military status, ancestry or age in its program, activities, or employment.

All grievances must be initiated through the Upper Arlington City School District Title IX Coordinator. The contact person is the Associate Superintendent, Upper Arlington City Schools, 1950 N Mallway Road, Upper Arlington, Ohio 43221, 614-487-5000.

For the complete guidelines, please go to the following website, [www.neola.com/uacsd-oh/](http://www.neola.com/uacsd-oh/) and click on Administrative Guidelines lines, 2260.

## **J. NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY**

Section 504 of the Rehabilitation Act of 1973 is a federal law, which prohibits discrimination against persons with a handicap in any program receiving Federal financial assistance. The Act defines a person with a handicap as anyone who:

- a. has a mental or physical impairment which substantially limits one or more major life activities (major life activities include activities such as caring on one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working).
- b. has a record of such an impairment
- c. is regarded as having such an impairment

In order to fulfill its obligation under Section 504, the District recognizes a responsibility to avoid discrimination in policies and practices regarding its personnel and student. No discrimination against any person with a handicap will knowingly be permitted in any of the programs and practices in the school system. Grievances concerning any violation of this policy should be submitted in writing to the District's Compliance Officer. The Compliance Officer shall conduct any necessary investigation. The Superintendent shall provide a prompt and equitable resolution of the complaint.

With respect to students, the District has specific responsibilities under the Act, which are detailed in the Procedural Safeguards Notice to parents/guardians with children who are disabled as defined under Section 504.

For the complete guidelines, please go to the following website, [www.neola.com/uacsd-oh/](http://www.neola.com/uacsd-oh/) and click on Administrative Guidelines line, 2260.

## **K. MEMORANDUM TO PARENTS REGARDING SCHOOL BOARD POLICY ON DRUG-FREE SCHOOLS**

In accordance with Federal Law, the Board of Education prohibits the use, possession, concealment, or distribution of drugs by students on school grounds, in school or school-approved vehicles, or at any school-related event. Drugs include any alcoholic beverage, anabolic steroid, and dangerous controlled substance as defined by State statute or substance that could be considered a "look-a-like" controlled substance. Compliance with this policy is mandatory for all students. Any student who violates this policy will be subject to disciplinary action, in accordance with due process and as specified in the student handbooks, up to and including expulsion from school. When required by State law, the District will also notify law enforcement officials.

The District is concerned about any student who is a victim of alcohol or drug abuse and will facilitate the process by which she/he receives help through programs and services available in the community. Students and their parents should contact the school principal or counseling office whenever such help is needed.

**ADOPTED BY THE UPPER ARLINGTON BOARD OF EDUCATION MAY 1972**

<b>AMENDED</b>	<b>November 1972</b>
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