

## RIGHTS AND RESPONSIBILITIES OF STUDENTS

### INTRODUCTION

A primary goal of the Cleveland Heights-University Heights City School District is to teach responsible behavior, good citizenship, and the appropriate exercise of civil liberties. This booklet, which is Policy 5133 of the Board of Education, enumerates the rights of students, as well as the rules and regulations of the District. We value our students; their welfare is our first priority and we want to provide for them an atmosphere which is most conducive to learning. All rights, rules, and regulations contained in this policy shall be provided and applied equally to all students regardless of race, color, ancestry, religion, national origin, gender, age, sexual orientation, disability, or physical appearance. This policy, as adopted, is in compliance with Ohio Revised Code, Section 3313.534 – Zero Tolerance. Students and parents/guardians are asked to read this booklet carefully. Questions about any of this information should be directed to your student's building principal.

### RIGHTS OF STUDENTS

The philosophy of the Cleveland Heights-University Heights Board of Education guarantees the right of each student to an education. It is the responsibility of each student to behave in such a way so as not to interfere with the rights of others to the same opportunity for an education.

#### **I. Freedom of Speech and Freedom of Expression**

All students are entitled to the Right of Free Speech as guaranteed by the United States Constitution.

##### **A. Student Publications**

1. Students have the right to print, post and distribute publications.
2. No material may be printed, posted or distributed if it is obscene, defamatory, or if it would reasonably tend to interfere with school activities or the rights of others.
3. All material must be signed listing author or sponsoring organization.
4. Prior to printing, posting or distribution, all school-sponsored material must be submitted to the principal or designee for approval. The principal or designee will determine the times and places of posting and/or distribution of both school-sponsored and non-school sponsored material.
5. Approval shall be granted or not granted within six school days. The decision of the principal shall be final.

##### **B. School Communications**

The principal shall have the right to grant reasonable access to student groups for announcements and statements to the student body through the public address system, publications, assemblies or personal contact.

##### **C. Personal Appearance**

1. Clothing shall be clean.
2. Clothing that interferes with school discipline or the educational process is prohibited.
3. Clothing or appearance that constitutes a threat to the student's health or safety or damages titled school property is prohibited. Clothing or appearance that displays sexual exhibitionism or that promotes drug/alcohol use or creates a hostile or disruptive environment is also prohibited.
4. Clothing and grooming may be more strictly regulated when a student is working on machinery, preparing food, participating in sports or in laboratory classes.
5. Appropriate footwear must be worn.
6. Headbands, hair rollers, bandannas, hats, caps, etc., may not be worn other than for documented cultural, religious or medical reasons.
7. The wearing of sunglasses in school, other than for documented medical reasons, is prohibited.
8. Appearance that implies or signals membership in any unauthorized organization, club, or group is not permitted. Students are not permitted to wear gang identification such as colors, clothing, etc.

9. Students may wear expressive insignia, buttons, badges, arm bands, patches, pins, etc., as long as these items are not intimidating, offensive, gang-related, obscene, or defamatory, or does not, within reason, tend to interfere with school discipline or the educational process.

## **II. School-Sponsored Activities and Student Government**

### **A. School-Sponsored Activities**

1. School-sponsored groups and associations must allow membership without regard to race, color, ancestry, religion, national origin, gender, age, sexual orientation, disability, or physical appearance. These organizations must have a faculty advisor and must provide the principal or designee a complete current membership list and description of purpose, eligibility requirements, activities and schedule. These organizations must also have the approval of the principal to affiliate with any out-of-school groups or associations. The principal or faculty advisor may approve or disapprove any event, program or project.
2. Students desiring school sponsorship for groups and associations must first gain approval from the principal. Students may only organize associations or groups within the school that are school-sponsored.
3. School-sponsored organizations shall be permitted to hold meetings in school rooms, auditoriums, or at outdoor locations on school grounds, at which they shall be free to discuss, pass resolutions and take other lawful action respecting any matter which directly or indirectly concerns or affects them, whether it relates to school or to non-school activities.  
These meetings may be restricted or prohibited by the principal or faculty advisor when such a forum would be in violation of attendance regulations or interfere with school activities or with the rights of other students or staff.
4. Students are not allowed to be members of any association or group or affiliated with any out-of-school association or group that threatens to use, or uses violence or force, involves hazing, or designates "turf" or ownership of an area.

### **B. Student Government**

The functions and powers of student governments are to be determined within each school and with the following minimum structure:

1. The organization, operation and scope of the student government should be specified in a written constitution and/or bylaws which students have helped to formulate.
2. All students shall have the right to vote and the opportunity to qualify to hold office.

## **III. Freedom of Assembly**

Forums -- The principal shall have the right to grant reasonable access for open forums that provide students with the opportunity to speak or hear others speak. These meetings shall not interfere with the rights of others or with the orderly conduct of the school's educational activities.

## **IV. Student Grievances**

### **A. Grievance Definition**

A grievance is a claim by a student in which there is a disagreement or difference in interpretation regarding a school policy, rule or regulation regarding the decision of a staff member. The student must submit evidence that he/she has made an effort to resolve the difference. Provided that the student and staff member have not resolved the issue, the student may file a grievance.

Grievance forms shall be available in each school or house office. The student, his/her parent/guardian or representative may complete and file this form with the principal.

(This section does not apply to Sections of Policy 5133, which address procedures for suspension/suspension appeal and/or expulsion/expulsion appeal.)

## **B. Grievance Procedure**

1. Within ten school days of the occurrence, the student may file a grievance.
2. Within ten school days of the filing date, the principal shall hear the grievance, and send a written decision to the student and the Superintendent.
3. Within ten school days of the principal's written decision, if the student feels the issue is not resolved, the student may submit a written request for a hearing to the Superintendent.
4. Within ten school days of the date of the student's written request, the Superintendent or designee shall hold, or refuse to hold, a hearing and shall send a written decision to the student and the principal.
5. Within ten school days of the date of the Superintendent's written decision, if the student feels the issue is not resolved, the student may submit a written request for a hearing to the members of the Cleveland Heights-University Heights Board of Education.
6. Within ten school days of the student's written request, the members of the Cleveland Heights-University Heights Board of Education or designee shall hold, or refuse to hold, a hearing and shall send a written decision to the student, the principal and the Superintendent.
7. No reprisals shall be directed toward a student for filing or pursuing a grievance.

## **RESPONSIBILITIES FOR BEHAVIOR AND DISCIPLINE OF STUDENTS**

The following responsibilities are listed for each group within the Cleveland Heights-University Heights educational community. We know that the vast majority of students will adhere to the rules and will not infringe on the rights of others; however, it is our duty to inform you of this information in accordance with the Ohio Revised Code, which requires that students be apprised of the rules and regulations, as well as their rights.

### **I. Board of Education**

The Board of Education has the responsibility to develop and enforce reasonable rules, and 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 staff.

### **II. Parents/Guardians**

Parents/Guardians have the responsibility to:

- A. Teach their children respect for other students, school rules and regulations, property and school personnel.
- B. Assure prompt and regular attendance at school for their children.
- C. Understand and explain the rules and regulations of the school to their children and cooperate and assist the school in their implementation.
- D. Respond to communications from the school.

### **III. Students**

Students have the responsibility to:

- A. Respect the rights and dignity of other students and staff.
- B. Obey school rules and regulations and respect titled school property.
- C. Be prompt and regular in attendance at school and classes.
- D. Be prepared for all classes.
- E. Accept the consequences of their behavior and decisions.

### **IV. Staff**

Staff has the responsibility to:

- A. Respect the rights and dignity of students, parents/guardians and staff.
- B. Establish, explain and enforce classroom and school rules and regulations consistent with Board of Education policies.
- C. Refer students requiring specialized attention to appropriate personnel and cooperate in helping referred students.
- D. Maintain lines of communication between home and school.

## **V. Administrators**

Administrators have the responsibility to:

- A. Respect the rights and dignity of students, parents/guardians, and staff.
- B. Exercise all authority as prescribed by Board of Education policies, local, state and federal law.
- C. Establish, explain and enforce school building rules and regulations consistent with Board of Education policies.
- D. Refer students requiring specialized attention to appropriate personnel and cooperate in helping the referred students.
- E. Maintain lines of communication between home and school.

## **RULES AND REGULATIONS**

Rules and regulations are necessary for the maintenance of an orderly and safe school environment. Certain behaviors are inappropriate and unacceptable. When a student acts inappropriately, he/she must accept the consequences of that behavior. Inappropriate student behavior will be dealt with fairly. A variety of techniques may be used including, but not limited to: counseling, parent/guardian conference, detention, in-school detention, Saturday School, suspension, expulsion, alternative educational and non-educational assignments, and referral to internal or external agencies. The Universal Referral Form, K-12, will be used by all school personnel to refer a student for discipline. The Universal Reporting Form, K-12, shall be used to report to all teachers of students who have been suspended or expelled.

### **I. Jurisdiction/Supervision**

Jurisdiction covers student conduct both on and off campus while the student is under school supervision. Student misconduct or criminal acts may result in disciplinary action up to and including suspension and expulsion where the behavior(s) could pose a threat to the health, safety, and welfare of students and staff at the school or when the behavior(s) interferes with the educational process. The rules and regulations contained in this policy shall be enforced on all school titled property, at all school-sponsored activities both on or off campus, while students are under the direct authorized supervision of school personnel, and off titled school property when the need to maintain order is indicated even though students are not under the direct authorized supervision of school personnel. Jurisdiction further extends to misconduct directed at school officials, employees, or their property, regardless of where the misconduct occurs.

### **II. Gangs**

Gangs are prohibited. A gang is defined as any non-school sponsored group, possibly of secret and/or exclusive membership, whose purpose or practice include the commission of illegal acts, violations of school rules and regulations, establishment of territory or "turf", or any action that threatens the safety or welfare of others. Gang activity such as initiation, recruitment, wearing of colors, fighting, assault, hazing, or establishing turf, on titled school property, at school functions and school related activities, will not be tolerated.

### **III. Searches**

The Board reserves the right to inspect, without notice, lockers, desks or other titled school property. In addition, a warrant less search of a student's person, handbag, book bag, backpack, or car may be conducted if there is reasonable suspicion that the search is necessary to protect the health and/or safety of students, school personnel, or to detect a violation of school rules or regulations, including, but not limited to: possession of weapons, dangerous instruments, stolen goods, narcotics, hallucinogenic, amphetamines, barbiturates, marijuana, unregistered drugs, controlled substances, alcoholic beverages, or evidence of academic misconduct.

#### IV. Required Reporting

Students are required to report knowledge of dangerous weapons or threats of violence to the Principal, Assistant Principal, teacher, guidance counselor, child services specialist, social worker (or other adult). Failure to report such knowledge may subject the student to discipline.

V. **Class "A" Offenses** -- The following types of serious offenses shall result in police reporting, and disciplinary removal, emergency removal, suspension and/or expulsion. Depending on the circumstances surrounding the infraction, a violation may result in more than one charge being cited. All of the following violations could result in criminal charges. Further, if a student damages school property, this will be regarded as vandalism and the student and/or parent(s)/legal guardian(s) will be required to pay for the repair or replacement of that property. Starred (\*) offenses require reporting to the Deputy Registrar of Motor Vehicles and Juvenile Court and may result in suspension of driver's license. Doubled starred (\*\*) offenses may result in reporting to the Deputy Registrar of Motor Vehicles and Juvenile Court and may result in suspension of driver's license.

A. **Arson** -- A student shall not set a fire or cause an explosion.

B. **Assault** -- A student shall not attack any other person, or behave in such a manner that would cause, or threaten to cause, injury to any other person. This definition of an assault applies regardless of whether the behavior causes injury.

C. **Bomb Threats, False Alarms** -- A student shall not cause a false fire alarm to be sounded, falsely communicate a bomb threat, or falsely contact 911.

D. **Disorderly Conduct** -- A student shall not, by use of violence, force, coercion, threat, harassment, or insubordination, cause, or threaten to cause, the disruption or obstruction of any function or operation of the school or of the educational process.

E. **Explosives** -- A student shall not possess, handle, construct, transmit, conceal, or use any fireworks, explosive device, or substance which can be used as an explosive.

F. **Extortion** -- A student shall not force or attempt to force any person to give up anything of value by means of any expressed or implied threat, harassment, intimidation, or injury to person, property, or reputation.

G. **Hazing** -- A student shall not cause or participate in any act of initiation that causes or creates a risk of causing physical, mental, or emotional harm to any person.

H. **Interference or Intimidation of School Authorities** -- A student shall not interfere with the discharge of the official duties of district personnel by the use and/or threat of force or violence.

I. **Malicious Harassment** -- A student shall not maliciously and intentionally intimidate or harass another person. Examples include but are not limited to: race, color, ancestry, religion, national origin, gender, age, sexual orientation, disability or physical appearance. In addition, acts of bullying, harassment and/or intimidation described in paragraph C of Section VI. Class B offenses, may rise to the level of a Class A offense depending on the severity of the conduct.

\*\* J. **Narcotics, Alcoholic Beverages, and Drugs** -- A student shall not possess, use, sell, distribute, transmit, or be under the influence of alcohol, drugs, or controlled substances including but not limited to narcotics, mood-altering drugs, counterfeit controlled substances, look-alikes, over-the-counter stimulants or depressants or anabolic steroids. A student shall not possess, use, transmit, sell, or conceal any instrument of drug abuse or related paraphernalia.

K. **Possession of Stolen Property** -- A student shall not knowingly receive, obtain, possess, conceal, or dispose of stolen property.

L. **Robbery** -- A student shall not take another person's property by force or threat of force.

M. **Sexual Assault** -- A student shall not sexually assault or threaten to sexually assault another person.

N. **Sexual Harassment** -- A student shall not sexually harass another person with any materials or acts of a sexual nature that are unwanted or unwelcome.

O. **Trespassing** -- A student under suspension, expulsion, or emergency removal shall not enter upon any titled school property of the Board of Education without the express permission of the principal. Such presence is considered trespassing and may be cause for arrest.

\* P. **Other Dangerous Weapons and Instruments** -- A student shall not use, possess, exhibit, handle, transmit, or conceal any object classified or construed as a dangerous weapon or instrument while on titled school property, in a vehicle parked on titled school property or at any school-sponsored activity regardless of location, or at an

interscholastic competition, extracurricular event or other school program or activity that is not on school-controlled property.

**Definitions:**

- 1) A knife includes, but is not limited to: any cutting instrument consisting of a sharp blade or pointed object, which may or may not be fastened to a handle, and having a blade length of two and one-half inches or longer.
- 2) Other dangerous weapons and instruments include, but are not limited to: "look alike" firearms, metal knuckles, razors of all descriptions, and propellants that may be used to or are intended to harm, threaten or harass students, staff, parents/guardians, or community members.

**Q. False Reporting** -- A student shall not make a false report or false accusation which results in the mandatory reporting of an incident of physical, sexual, psychological, or any other form of child abuse pursuant to Section 2151.421 of the Ohio Revised Code; nor shall a student make a false accusation or a false statement that in any way defames or damages the reputation of a staff member.

\* **R. Firearms** -- A student shall not use, possess, exhibit, handle, transmit, or conceal any object classified or construed as a firearm while on titled school property, in a vehicle parked on titled school property, at any school-sponsored activity regardless of location, or at an interscholastic competition, extracurricular event or other school program or activity that is not on school-controlled property.

**Definition:**

- A firearm is any weapon, including a starter gun, which is designed to expel or may be readily converted to expel, a projectile by the action of an explosive. This includes, but is not limited to: any firearm ammunition, muffler or silencer, any explosive or incendiary charge of more than one-quarter ounce and any other instrument or device similar to those already listed.

**V. Class "B" Offenses** -- Disciplinary removal, emergency removal, suspension, or expulsion may result from the following types of misconduct. In addition to disciplinary action taken by the school, police may be notified. Depending on the circumstances surrounding the infraction, a violation may result in more than one charge being brought. Further, if a student commits one or more of the following offenses and damages school property, this will be regarded as vandalism and the student and/or parent(s)/legal guardian(s) will be required to pay for the repair or replacement of that property. Starred (\*) offenses require reporting to the Deputy Registrar of Motor Vehicles and Juvenile Court and may result in suspension of driver's license.

**A. Academic Misconduct** -- A student shall not cheat or plagiarize.

**B. Appearance and Dress** -- A student shall not be inappropriately dressed for school.

**C. Bullying, Harassment and Intimidation** -- Bullying, harassment or intimidating behavior is strictly prohibited.

**Definitions:**

"Bullying, harassment or intimidation," as defined by Ohio law, means any intentional written, verbal, graphic or physical act including electronically transmitted acts (i.e., Internet, cell phone, personal digital assistant-PDAS, or wireless hand-held device), either overt or covert, by a student or group of students toward other students or school personnel with the intent to harass, intimidate, injure, threaten, ridicule, or humiliate. Such behaviors are prohibited on or immediately adjacent to school grounds, at any school-sponsored activity, on school provided transportation, on the way to or from school, or at any official school bus stop that a reasonable person under the circumstances would know will have the effect of:

- 1) Causing mental or physical harm to the other student/school personnel including placing an individual in reasonable fear or physical harm and/or,
- 2) Is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening, or abusive environment for the other student/school personnel.

**D. Disruption** -- A student shall not create a condition, indulge in any activity or use any device that disrupts the educational process or is offensive to others. Likewise, a student shall not make any utterance, gesture, or act which offends the sensibilities or threatens the safety of others.

**E. Failure to Comply with Directives** -- A student shall not fail to accept discipline and/or comply with the directives of staff.

**F. False Identification** -- A student shall not refuse to provide identification to school personnel. A student shall not give false identification.

- G. Fighting** -- A student shall not fight, hit, punch, kick, push, physically confront, or in any way cause or attempt to cause physical injury to another person. A student shall not instigate or encourage fighting. If a student who is engaged in a fight and, in the course of fighting, strikes, pushes, and/or physically restrains a staff member who is attempting to intervene, such actions may be regarded as separate violation, specifically an assault, a Class A offense, and may result in a police report and appropriate disciplinary consequences. In such instances, the staff member retains the right to pursue legal remedies in the civil and criminal courts independent of the action(s) taken by the school district.
- H. Forgery** -- A student shall not forge the name of another, falsify times, dates, grades, addresses, or other data the school may require whether orally or in writing.
- I. Gambling** -- A student shall not engage in or promote games of chance, play cards, place bets, or risk anything of value.
- J. Gangs** -- Gangs are prohibited. A gang is defined as any non-school sponsored group, possibly of secret and/or exclusive membership, whose purpose or practice include the commission of illegal acts, violations of rules and regulations, establishment of territory or "turf", or any actions that threaten the safety or welfare of others. Gang activity such as initiation, recruitment, wearing of colors, fighting, assault, hazing, or establishing "turf", on titled school property, at school functions and school-related activities, will not be tolerated.
1. A student shall not participate in gang-related activities.
  2. A student shall not appear with, or wear, gang identification such as attire, colors, or clothing.
  3. A student shall not designate boundaries or "turf", or belong to any group that designates boundaries or "turf".
  4. A student shall not participate in hazing, initiation, or recruiting activities.
  5. A student shall not deface property with gang graffiti. It should be noted that the Cleveland Heights-University Heights City School District maintains open lines of communication with local law enforcement agencies (see Board Policy #1500). A student who violates this section will not only be subject to the notification of his/her parents/guardian by school authorities, but also, when deemed appropriate, the student's prohibited gang activity will be reported to the local police department.
- K. Horseplay** -- A student shall not exhibit noisy/unrestrained behavior which is inappropriate.
- L. Intrusion/Unauthorized Area** -- A student shall not be on school grounds or in areas to which the student is not assigned before, during, or after school hours except with the permission of the principal/designee.
- M. Profanity or Obscenity** -- A student shall not use profanity or obscene gestures.
- N. School Bus Violations** -- A student shall not interfere with or disrupt the operation of a school bus by activities which pose, or tend to pose, a danger to the safe operation of a school bus, including, but not limited to: failing to remain seated, throwing objects out the window or at a passenger or the driver, shouting, and disorderly conduct which could cause physical harm, emotional stress, or diversion of the driver's attention.
- O. Sexual Activity** -- A student shall not engage in sexual activity on school premises or at school-related activities.
- P. Theft** -- A student shall not take, or attempt to take, property which does not belong to the student.
- Q. Tobacco** -- A student shall not smoke, use, or possess any tobacco products on titled school property, within school buildings, or at any function or activity supervised or promoted by the school.
- \* **R. Truancy** -- A student shall not be truant, tardy or absent without an excuse. A student shall not cut class(es) and/or school.
- S. Vandalism** -- A student shall not damage, deface, or destroy property.
- T. Victimized/Threatening/Bullying** -- A student shall not hurt another person either physically or psychologically. A student shall not threaten another person with physical violence, loss of property or coercion by any means.
- U. Violation of School Rules & Regulations** -- A student shall not refuse to comply with school rules and regulations.
- V. Violation of School Discipline Procedures** -- A student shall not violate conditions of disciplinary procedures. Such violation will be considered a separate disciplinary violation and shall be subject to additional consequence.
- W. Use of a cellular phone, or other communication device** -- A student shall not use or display any object that can be classified as a cellular phone, or other communication device in a school building within the instructional day.

## REMOVAL FROM SCHOOL AND/OR TRANSPORTATION

### I. Types of Removal

#### A. Disciplinary Removal

A principal, teacher, bus driver, or other staff member may remove a student from a class or participation in any school function for less than twenty-four hours for which the procedures of suspension, expulsion, and emergency removal are not required. As soon as possible after making such a disciplinary removal, the teacher or other staff member shall submit a Universal Referral Form, K-12.

#### B. Emergency Removal

1. A principal, assistant principal, or Superintendent may deny a student the right to attend school and take part in any school function when the student's presence poses a continuing danger to persons, property or an ongoing threat of disrupting the educational process taking place either within a classroom or elsewhere on the school premises, for a period not to exceed seventy-two hours. Emergency removal shall be invoked only in circumstances where suspension and/or expulsion are to be recommended and circumstances do not permit an informal hearing under Section D – 3.
2. A teacher or other staff member may use emergency removal to remove a student from curricular or extracurricular activities under his/her supervision, without complying with the suspension or expulsion notice and meeting requirements. As soon as possible after making such an emergency removal, the teacher or other staff member shall submit a Universal Referral Form, K-12, for such removal to the principal and will attend the meeting.
3. If a student is removed under this section, written notice of the reason(s) for the removal and written notice of a hearing to be held regarding the removal shall be given to the student as soon as possible prior to the meeting. A meeting must be held within seventy-two hours of the time the initial removal is ordered.
4. A hearing shall be held in accordance with the procedures in Section D., Suspension, or Section E., Expulsion.
5. The Superintendent or the principal may reinstate a student in a curricular or extracurricular activity under the teacher's supervision prior to the hearing following an emergency removal. The teacher shall, upon request, be given in writing the reasons for reinstatement.
6. During the period of removal, the student will not be allowed on any titled school property without the approval of the principal or Superintendent.

#### C. Bus Removal

1. A principal, assistant principal or other administrator may deny a student transportation privileges for a period not to exceed 80 days, if the student interferes with or disrupts the operation of a school bus. An immediate emergency removal from the bus may be imposed until the student has the opportunity for an informal hearing before the Superintendent or the Superintendent's designee.

#### D. Suspension

1. A principal, assistant principal or other administrator shall deny a student the right to attend school and to take part in any school function for a period of at least one but not more than ten school days. If, at the time of the suspension, there are fewer than ten school days remaining in the current school year, the Superintendent may apply any remaining part or all of the suspension to the following school year. In addition, the student may be denied enrollment in the district-operated summer school program.
2. A summer school principal may deny a student the right to attend summer school and to take part in any summer school function for a period of at least one, but not more than ten summer school days. If, at the time of suspension, there are fewer than ten summer school days remaining in the current summer school session, the Superintendent may apply any remaining part or all of the suspension to the following school year. (See Section VII. Summer School.)



3. When a student is being considered for a suspension, the administrator will notify the student of the basis for the proposed suspension. The student will be given an opportunity to explain his/her view of the underlying facts and to challenge the reason(s) for the intended suspensions. Only after that informal meeting, the principal or assistant principal or other administrator will determine whether or not to suspend the student.
4. Within twenty-four hours after the decision to suspend, the Superintendent of Schools or the principal shall notify, in writing, the student, parent/guardian, the Treasurer of the Board of Education, the Superintendent/principal, the Director of Student Services, and the Officiate for Discipline Hearings of the decision.
5. The written notice shall include:
  - a. The specific reason(s) for the suspension and the duration of the suspension.
  - b. Notification that the Superintendent may seek expulsion if such action has been recommended at the time of suspension.
  - c. Notification that the Superintendent may seek permanent exclusion if the intended suspension is for one of the serious offenses for which permanent exclusion is allowed if the student is sixteen years of age or older at the time of the offense and convicted or adjudicated a delinquent child for that violation.
  - d. Notification that the student is denied the right to attend school, to be on any school district titled property and to take part in any function promoted, sponsored or co-sponsored by the school district and such presence will be considered trespassing, unless expressly permitted by the principal or the Superintendent.
  - e. Notification of the right of the student, parent/guardian, to appeal the suspension to the Superintendent of Schools. A written request to appeal must be received by the Treasurer of the Board of Education within five school days of the date the letter was mailed indicating the decision to suspend.
  - f. Notification of the right to be represented in all such appeal proceedings.
  - g. Notification of the right to appeal the decision of the Superintendent to the Board of Education or, at the Board's discretion, the Board's designee. A written request for an appeal must be received by the Treasurer of the Board of Education within five school days of the date the letter was mailed indicating the decision of the Superintendent on the appeal hearing.
  - h. Notification of the right to request that such hearing before the Board of Education be held in executive session.
  - i. Notification that the hearing before the Board or its designee shall be for the purpose of allowing the student to present reasons why the suspension is improper, unwarranted, or excessive.
6. In addition to the procedural provisions contained in Item D., the following procedures shall be observed in hearings held before the Board of Education or its designee regarding suspensions:
  - a. The Board or its designee shall act upon or acknowledge the decision of the suspension at a public meeting.
  - b. The Board or its designee shall make a verbatim record of the appeal hearing.
  - c. The Board or its designee, by majority vote, may affirm the order of suspension, reinstate the student, reverse, vacate or otherwise modify the order of suspension.
  - d. Upon reaching a decision, the Board of Education or its designee shall notify the principal, student, parent/guardian, in writing, of the decision and also of the fact that the student may appeal said decision within thirty (30) calendar days of the written notification to the Court of Common Pleas of Cuyahoga County pursuant to the provisions of Chapter 2506 of the Ohio Revised Code.
7. Teachers, upon request, shall provide class assignments to a student serving suspension. Up to one-half credit will be given for work done during a period of suspension, if submitted on the day of the student's return to school. No credit shall be earned for missed final examinations and/or tests.
8. The Board may temporarily deny admittance to any student seeking to enroll in the Cleveland Heights-University Heights City School District if the student has been suspended from a public school of another district, limited to the State of Ohio provided:
  - a. An opportunity for a hearing has been offered.
  - b. The period of the suspension has not expired.
  - c. The student will be admitted not later than the expiration date of the suspension.

9. The rights of students with an identified disability are additionally protected by Board of Education Policy, Federal and State laws which outline suspension and expulsion procedural safeguards for dealing with these students.
10. At the end of the school year, the Superintendent may permit a student to perform community service in conjunction with or in place of a suspension under the following guidelines:
  - a. In order for a student to be considered for the community service option, he/she must be recommended by the building Principal to the Superintendent. Only the Superintendent may apply the community service option beyond the end of the school year in lieu of applying the suspension into the following school year.
  - b. The Principal recommending the student to the Superintendent shall submit a list of worthwhile projects to the Superintendent that would benefit the building. Such activities as washing windows, washing student lockers, caring for lawns or shrubbery, assisting the secretary with inventory of materials, books, or supplies, etc., assisting custodial staff with routine repairs, cleaning carpeting, and assisting with mass mailings are examples of projects that could be approved.
  - c. All community service options will be performed within the school community.
  - d. Students will be assigned to a specific district employee for their work assignment and supervision.
  - e. Clear understandings of employee responsibilities for supervision of the student shall be agreed upon at the beginning of the assignment.
  - f. A written checklist of the student's job performance shall be completed by the activity supervisor and submitted to the principal at the conclusion of the assignment.
  - g. Students who fail to complete jobs or perform in a satisfactory manner shall have the full measure of the suspension invoked.
  - h. All child labor laws must be observed.
  - i. Credit will not be earned.
  - j. Other community service programs exist under secondary school procedures and are not to be confused with this one.

#### **E. Expulsion**

1. The Superintendent shall deny a student the right to attend school and to take part in any school function for a period not to exceed eighty school days. If at the time of the expulsion there are fewer than eighty school days remaining in the current school year, the Superintendent may apply any remaining part or all of the expulsion to the following school year. In addition, the student shall be denied enrollment in the district-operated summer school program.
2. The Superintendent shall give written notice to the student and the parent/guardian of the intent to expel.
3. The notice shall state:
  - a. The specific reason(s) for the intended expulsion.
  - b. Notification of the opportunity for the student, parent/guardian and/or representative to appear in person before the Superintendent and/or his/her designee to challenge the reason(s) for the intended expulsion or otherwise to explain the student's action(s).
  - c. The place and time to appear, which shall be not less than three nor more than five days after the notice is given.
  - d. Notification that the Superintendent may seek permanent exclusion if the intended suspension is for one of the serious offenses for which permanent exclusion is allowed (if the student is sixteen years of age or older and convicted or adjudicated a delinquent child for that violation).
4. The student, parent/guardian and/or representative may request an extension of time for the hearing with the understanding that the student may not return to school until the hearing is held, and the Superintendent may grant the request. If an extension is granted, the Superintendent shall notify the student, parent/guardian and/or representative of the new time and place to appear.
5. Within twenty-four hours of the decision to expel, the Superintendent shall notify in writing the principal, student, parent/guardian, the Treasurer of the Board of Education and the Director of Student Services of the decision to expel. The notice shall include:
  - a. The specific reason(s) for the expulsion.

- b. Notification that the student is denied the right to attend school, to be on any school district titled property and to take part in any function promoted, sponsored or co-sponsored by the school district and such presence will be considered trespassing.
  - c. Notification of the right of the student and the parent/guardian, to appeal such action to the Board of Education or the Board's designee. The written request to appeal must be received by the Treasurer of the Board of Education within fourteen (14) days. The fourteen (14) day appeal period begins on the first day of the expulsion and concludes on the fourteenth (14<sup>th</sup>) day thereafter, that was not a holiday or a day on which the school office was closed.
  - d. Notification of the right to be represented in all such appeal proceedings.
  - e. Notification of the right to request that such hearing is held in executive session.
  - f. Notification that a hearing before the members of the Board of Education or its designee shall be for the purpose of allowing the student to present reasons why the expulsion is improper, unwarranted or excessive.
6. In addition to the procedural provisions contained in Item E. above, the following procedures shall be observed in hearings held before the Board of Education or its designee regarding expulsions:
- a. The Board or its designee shall act upon or acknowledge the decision of the expulsion at a public meeting.
  - b. The Board or its designee shall make a verbatim record of the appeal hearing.
  - c. The Board or its designee, by a majority vote, may affirm the order of expulsion, reinstate, vacate or modify the order of expulsion.
  - d. Upon reaching a decision, the Board of Education or its designee shall notify the principal, student, parent/guardian, in writing, of the decision and also of the fact that the student may appeal said decision within thirty (30) calendar days of the written notification to the Court of Common Pleas of Cuyahoga County pursuant to the provisions of Chapter 2506 of the Ohio Revised Code.
7. If a student is expelled for more than 20 days or if the expulsion will extend into the following semester or school year for any period of time, the Superintendent shall provide the student and the parent/guardian a list of public and private agencies that work toward improving those aspects of the student's attitude(s) and behavior(s) that contributed to the incident(s) for which the expulsion was ordered.
8. The Superintendent may also deny a student the right to attend school, to be on titled school property and to take part in any school function under the following criteria:
- a. Firearms -- If a student is found to have violated the provision of Section IV., Class A Offenses, R., of the Rules and Regulations, the Superintendent shall expel such student from school from that day for a period of one calendar year. The Superintendent may modify this policy requirement on a case-by-case basis in accordance with State and Federal law and shall be limited to modifications for students who:
    - 1. Qualify as disabled under Section 504 of the Rehabilitation Act of 1973; or
    - 2. Are identified as disabled under Individuals With Disabilities Education Act (IDEA); or
    - 3. Are enrolled in preschool programs or elementary schools, Grades K-5.

*[Note: Students with disabilities under Individuals With Disabilities Education Act (IDEA) may be removed for at least 45 school days with additional days subject to IDEA requirements.]*
  - b. Other dangerous weapons and instruments -- If a student violates the provisions of Section IV. Class A Offenses, P., of the Rules and Regulations, the Superintendent may expel the student from school for the same period of time (i.e., one calendar year) with the same implications as stated above for firearms. A student who is eligible for special education under IDEA and who is in possession of a knife with a blade of 2 1/2 inches or greater will be removed for 45 calendar days with additional days subject to IDEA requirements.
  - c. Bomb threats, false alarms – if a student violates the provisions of Section IV, Class A Offenses C., of the Rules and Regulations, the Superintendent may expel the student from school for the same period of time (i.e., one calendar year) with the same implications stated above for firearms.
  - e. If a student commits an act or acts at an interscholastic competition, extracurricular event, or any other school program or activity and if the act (1) would be a criminal offense if committed by an adult and (2) result in serious physical harm to person or property defined under ORC 2901.01 (A)(5) and 2901.01

(A)(6), the Superintendent may, upon establishment of fact, expel the student for one calendar year with the same implications as stated above for firearms.

9. If a student commits a violation that warrants expulsion, the Superintendent shall proceed with the expulsion hearing and impose any warranted expulsion even if the student who committed the act has already withdrawn from school.
10. The Board may temporarily deny admittance to any student seeking to enroll in the Cleveland Heights-University Heights City School District if the student has been expelled or permanently excluded from a public school of another district, not limited to the State of Ohio, provided:
  - a. An opportunity for a hearing has been offered.
  - b. The period of the expulsion has not expired.
  - c. The student will be admitted no later than the expiration of the expulsion period so long as it does not exceed one calendar year as prescribed by Ohio Law.
11. The Superintendent shall notify the Deputy Registrar of Motor Vehicles and Juvenile Court for the purpose of imposing a Driver's License suspension if a student is expelled from school for a firearm or dangerous weapon violation or truancy.
12. Students returning from expulsion will not be given an opportunity to earn or be granted appropriate credit for work missed during the time of expulsion.
13. The rights of students with an identified disability are additionally protected by Board of Education Policy, Federal and State laws which outline suspension and expulsion procedural safeguards for dealing with these students.

## **II. Permanent Exclusion**

Pursuant to Section 3313.662 of the Ohio Revised Code, the Superintendent of Schools and the Board of Education are empowered to recommend to the State Superintendent of Public Instruction that a student sixteen (16) years of age or older at the time of the offense and convicted or adjudicated a delinquent child of any offenses enumerated in Ohio Revised Code, Section 3313.662, be permanently excluded from attending any public schools in the State of Ohio.

A recommendation for permanent exclusion may be requested if a student is sixteen (16) years of age or older at the time of the offense and convicted or adjudicated a delinquent child for any of the following offenses:

- A. Conveying deadly weapons or dangerous ordnance onto titled school property or to a school-sponsored activity.
- B. Possessing deadly or dangerous ordnance on titled school property or at a school-sponsored activity.
- C. Carrying a concealed weapon on titled school property or at a school-sponsored activity.
- D. Trafficking in drugs on titled school property or at a school-sponsored activity.
- E. Murder or aggravated murder on titled school property or at a school-sponsored activity.
- F. Voluntary or involuntary manslaughter on titled school property or at a school-sponsored activity.
- G. Assault or aggravated assault on titled school property or at a school-sponsored activity.
- H. Rape, gross sexual imposition, or felonious sexual penetration on titled school property or at a school-sponsored activity, or when the victim is a school employee.
- I. Complicity in any of the above offenses, regardless of location.

The Superintendent shall notify both the Deputy Registrar of Motor Vehicles and Juvenile Court for the purpose of imposing a Driver's License suspension if a student is permanently excluded from school for any of the above offenses.

## **ATTENDANCE PROCEDURES**

### **I. Regular Day School Program**

All parents/guardians are responsible for their child's attendance at school. Parents/guardians are also responsible for notifying school personnel when their child is absent. Students who are 18 years of age or older are responsible for

notifying school personnel when absent. A record of student attendance shall be kept by the teacher which shall be the official attendance record for that particular class.

The Superintendent of Schools shall establish administrative procedures necessary to implement and ensure a uniform system of attendance procedures and record keeping.

- A. Any student who is absent from school for all or any part of the day without a legitimate excuse shall be considered truant and the student and his/her parent/guardian shall be subject to the truancy laws of the state.
- B. If a student, under the age of 18, is absent without legitimate excuse for five (5) or more consecutive days, seven (7) or more school days in one school month, or twelve (12) or more school days in a school year, s/he will be considered habitually truant (ORC2151.011).
- C. If a student under the age of 18, is absent without legitimate excuse for seven (7) or more consecutive school days, ten (10) or more school days in one school month, or fifteen (15) or more school days in a school year, h/she will be considered chronically truant (ORC 2152.02).
- D. A student found to be habitually or chronically truant may be subject to having charges filed in juvenile court, as required by Ohio law.
- E. A parent/guardian must notify the school to report a student's absence.
- F. The school will contact a parent/guardian if the office has not been notified of a student's absence for students under age 18 and students 18 years or older who have provided written consent. If contact has not been made within forty-eight hours, the school will notify the Department of Student Services.
- G. When a student's attendance is considered "irregular," the school will contact the parent/guardian and/or refer the student to the District's attendance officer.
- H. Middle school students must report to the office for an admit slip upon the return from an absence. Students who come to class without an admit slip shall be considered unexcused.
- I. High school students must present proof (written or by phone) to excuse an absence within seventy-two hours of their return to school.

## **II. Attendance Requirements and Grading**

For purposes of this section, absences accumulated during suspensions shall be deemed excused absences. However, the absences accumulated during the student's first suspension of the semester shall not compute as either excused or unexcused absences in determining a grade of "FA".

- A. Attendance is required during all scheduled periods, including classes, study halls, homeroom, lunch, and mandatory programs. All students will remain in the school buildings during the school day unless educational options away from the school building have been approved or students secure permission from the attendance office, their respective principal, or the school nurse to leave.
- B. When a student, grades nine through twelve, accumulates six unexcused absences or fifteen excused and/or unexcused absences in a class at any time during the semester, the student automatically receives a grade of "FA" to indicate failure due to absence. However, the teacher of the class may petition the house principal to pass the student. This petition can be made, in writing, at any time prior to the last five days of the semester.
- C. Students returning from excused (up to 15 days) and released absences, will be given either an opportunity to earn appropriate credit, or will be granted appropriate credit for work missed during the excused or released absences.
- D. A high school student who accumulates excused absences due to extraordinary medical circumstances or pregnancy resulting in the assignment of an "FA" may submit in writing to the appropriate small schools principal a petition to waive the automatic assignment of the "FA". The petition shall clearly delineate the medical circumstances that caused the absences and shall be accompanied by an appropriate physician's letter. The petition must be submitted no later than 10 school days after the 15th recorded absence or 10 school days after her/his return to the high school. The assistant principal for curriculum shall confer with the school nurse and refer and present a petition to a pupil services team which shall either grant or deny the petition. The decision shall be communicated in writing to the student, parent/guardian, the student's teachers, and the house attendance office.

### **III. Return After Absence**

Students returning from an absence are required to follow school rules and regulations for readmittance.

### **IV. Excused Absences**

- A. Excused absences are defined as those due to illness, medical/dental appointments, court appearances, religious obligations, funerals, or for absences due to family or other emergencies as approved by the Assistant Superintendent.
- B. Parents are encouraged not to take their children out of school for extended periods of time. When these absences (e.g., college visits, vacations, study tours, business trips, etc.) must be scheduled during the school year; the parents must discuss the request with the principal to make necessary arrangements. It may be possible for the student to receive certain assignments that are to be completed during the trip. After this discussion, a written request shall be submitted to the Principal who will forward the written request to the Board of Education for consideration. The parent/guardian will receive a written disposition from the Board of Education.

### **V. Home Instruction**

- A. "Home Instruction" is an education program provided to a student with a disability or medical condition which prevents the student from attending school even with special transportation. Students who have or are suspected of having a disability will receive a multi-factored evaluation.
- B. Students returning from home instruction will be treated as transfers and not penalized. Pupil progress reports will be given by the home instructor.

### **VI. Released Absences.**

- A. Students granted released absences by the principal shall be counted as present and not penalized for the absences. Such absences include:
  - 1. Field trips for which the principal has granted permission.
  - 2. Released absences or tardies from class for related school activities (athletics, concerts, programs, staff activities, etc.) approved by the principal or a staff member.

### **VII. Summer School**

Participation in the Summer School Program is a contractual agreement. Due to the intensity and short duration of the Summer Program, any inappropriate behavior detracting from the educational process will not be tolerated. Misconduct may result in removal from class(es) and removal from the Summer School Program. Students removed for disciplinary reasons are not entitled to a tuition refund. Misconduct violating Board Policy 5133 (see all Class A and Class B Offenses) warranting consequences beyond removal from the Summer School Program that may extend into the regular school year will be handled pursuant to all disciplinary procedures contained in Policy 5133.

A teacher or other staff member may remove a student for disciplinary reasons and shall immediately refer the matter to an assistant principal for disposition. The assistant principal or his/her designee shall make reasonable efforts to notify the parent/guardian by telephone on the day of the incident and/or shall send written notice home with the student. In the event a student is removed from the program, the student or parent/guardian may appeal the disciplinary action to the Summer School principal. The Summer School principal or his/her designee shall conduct an appeal hearing as soon as practical.

Daily attendance in the Summer School Program is mandatory. More than two (2) absences from a course for any combination of reasons, excused or unexcused, will be grounds for dismissal from the program. Tardy to class is defined as being late by less than fifteen (15) minutes. After fifteen (15) minutes, a student is considered absent for the class. Two (2) tardies are considered equal to one (1) absence. A student dismissed from the Summer School Program due to absence is not entitled to a tuition refund.

### **VIII. Violation of Attendance Rules**

When a student is in violation of attendance rules, his/her case will be referred to the attendance officer who shall take appropriate action, as authorized by the laws of Ohio, to ensure future compliance. The District uses intervention strategies that may include the notification of the Deputy Registrar of Motor Vehicles or taking

appropriate legal action pursuant to ORC 3321.13, 4507.061. The parent/guardian of this student will be held responsible and may face prosecution by the school district.

In addition, the District may require that the parent or guardian of a student who is truant or habitually absent from school attend a parental education program. Failure to attend such a program constitutes parental educational neglect, a misdemeanor of the fourth degree, which is punishable by a maximum of 30 days imprisonment and a \$250 fine. (ORC #3313.663, 2919.22.2).

**This policy shall be evaluated periodically and may be amended as needed by the Cleveland Heights-University Heights Board of Education.**

**Adopted by the Cleveland Heights-University Heights Board of Education June 2008.**