



Policy No. 4530

Suspension & Expulsion Policy

The Governing Authority understands the severity of excluding a student from the School. The Governing Authority, however, will not tolerate violent, dangerous, disruptive, or inappropriate behavior by students that substantially impedes the School from accomplishing its educational mission. The following policy outlines when a student may be excluded from school, the procedure to follow, and the due process rights available to students.

If an alleged violation of the Code of Conduct meets the definition of sexual harassment under Title IX, then the School must follow its Policy No. 3120, Title IX Compliance and Grievance Procedure prior to imposing any disciplinary sanctions or other actions that are not supportive measures, including but not limited to, contacting the Title IX coordinator.

Violations of the Code of Conduct, for pre-k to 3rd grade students, are broken down into the following Categories:

Category 1: A serious and specific offense for which suspension or expulsion is statutorily required (e.g., bringing a firearm to school) or statutorily authorized (e.g., possessing a firearm, bringing a knife capable of causing serious bodily injury, making a bomb threat, or causing serious harm to persons or property).

Category 2: An offense not listed in Category 1 but for which the School determined suspension was necessary to protect the immediate health and safety of the student, the student's fellow classmates, or the classroom staff or teachers.

Category 3: A "minor offense" that neither belongs in Category 1 or Category 2.

Students may be excluded by:

- *In-School Suspension.* A student may be removed temporarily to an in-school suspension, which is a suspension served in a supervised learning environment within the School setting.
- *Out of School Suspension.* A student may be removed temporarily from the School for a maximum of ten (10) days for misconduct and violating school rules. Said students shall have an opportunity to (1) complete missed classroom assignments and (2) receive at least partial credit for any assignment completed. The School may reduce a student's grade due to the student's suspension, but the School shall not assign a failing grade solely because of the student's suspension.
 - *Exception:* Pre-K to 3rd grade students shall only be subject an out of school suspension for serious offenses or only as necessary to protect the immediate health and safety of the student, fellow classmates, classroom staff and teachers, or other employees.
- *Emergency Suspension.* A student may be removed *immediately* from the School, without formal due process procedures when the Head Administrator determines, at his or her

discretion, that the student's continued presence at the School poses a danger to others or to property or is an ongoing threat. The School shall then proceed to have a hearing on the next school day.

- *Exception:* Pre-K through 3rd grade students may be removed on an emergency basis only for the remainder of the school day and shall be permitted to return to curricular and extracurricular activities on the school day following the day in which the student was removed. When a student is removed and returned to curricular and extracurricular activities on the next school day, the School shall not be required to hold a hearing provide notice of such hearing. Suspension proceedings shall not be initiated against a student in Pre-K through 3rd grade who was removed from a curricular or extracurricular activity on an emergency basis unless the student committed a serious offense or it is necessary to protect the immediate health and safety of the student, fellow classmates, classroom staff and teachers, or other employees.
- *Expulsion.* A student may be removed entirely for a maximum of one (1) year or up to eighty (80) days depending on the severity of the student's behavior. All expulsions require a hearing.
 - *Exception:* Pre-K to 3rd grade students shall only be subject to an out of school expulsion for serious offenses or only as necessary to protect the immediate health and safety of the student, fellow classmates, classroom staff and teachers, or other employees.
- *Emergency Expulsion.* A student may be removed *immediately* from the School, without formal due process procedures when the Head Administrator determines, at his or her discretion, that the student's continued presence at the School poses a danger to others or to property or is an ongoing threat. The School shall then proceed to have a hearing on the next school day.
 - *Exception:* Pre-K through 3rd grade students may be removed on an emergency basis only for the remainder of the school day and shall be permitted to return to curricular and extracurricular activities on the school day following the day in which the student was removed. When a student is removed and returned to curricular and extracurricular activities on the next school day, the School shall not be required to hold a hearing provide notice of such hearing. Expulsion proceedings shall not be initiated against a student in Pre-K through 3rd grade who was removed from a curricular or extracurricular activity on an emergency basis unless the student committed a serious offense or it is necessary to protect the immediate health and safety of the student, fellow classmates, classroom staff and teachers, or other employees.

Suspension

A student may be suspended for a maximum of ten (10) days for misconduct and violating school rules. , If a suspension is imposed with fewer than ten (10) days left in the school year, the student may be required to perform community service or another alternative consequence for a number of hours equal to the remaining period of the suspension. The student shall be required to begin the community service or alternative consequence during the first full weekday of summer break. The School, in its discretion, may develop an appropriate list of alternative consequences. If the student fails to complete community service or the assigned alternative consequence, the School

shall determine an appropriate course of action. Such action, however, shall not include requiring the student to serve the remaining period of the suspension at the beginning of the following school year.

Suspensions generally entitle students to a hearing, outlined below, except in the following two situations. First, students suspended from co-curricular or extra-curricular activities will not be entitled to notice, hearing, or appeal because participating in such activities is a privilege and not a right. Second, in-school suspensions are not subject to hearing.

Suspension Procedure. The following procedure shall apply to out-of-school suspension.

- Before imposing the suspension, the Student is provided a “Notice of Intent Suspend from School,” Form No. **3810.2**. The Notice shall provide the reasons for the proposed suspension.
- The Student is provided an informal hearing to challenge or otherwise explain the incident leading to the proposed suspension. The hearing will be conducted before the Head Administrator or his/her designee and the student may not call witnesses at the hearing.
- If the suspension is issued, the Head Administrator will notify, in writing, the following parties: the Student’s parents or guardian, with a “Notice of Suspension,” Form No. **3810.3**. The written notification shall explain the reasons for the suspension. The student’s parents or guardian shall also be notified, in writing with a “Notice of Suspension Letter,” Form No. **3810.4**.
- If the student appeals to the Governing Authority, the student must file a written appeal to the Governing Authority within 14 calendar days of receiving the “Notice of Intent to Suspend from School.” The Student or the Student’s parents may request the meeting be held in executive session. All decisions, however, must be acted upon in a public meeting. The Governing Authority, by a majority vote of its full membership shall act upon the suspension by affirming the suspension, reinstating the student, or otherwise modifying the order.

Emergency Suspension

A student may be removed immediately from the School or School property—without following the suspension or expulsion procedures—if the Head Administrator or his/her designee determines the student’s presence at the School creates (1) a health risk, (2) presents a danger to other persons or property or (3) seriously disrupt the School’s function.

Additionally, a student may be immediately removed from curricular or extracurricular activities by a teacher. The student will be sent to the Head Administrator or his/her designee. The teacher must submit in writing the reasons for removal.

Emergency Suspension Procedure. The following procedure shall apply to Emergency Suspensions:

- Once removed from the activity or school premises, the School shall provide the student written notice “Notice of Emergency Removal,” Form No. **3810.1**, as soon as practicable. The notice shall provide reasons for the removal and notify the student of a hearing.

- The hearing shall take place the next school day from the time of the initial order. The hearing shall be held in accordance with the Suspension hearing rules unless it is probable that the student may be subject to expulsion, in which case the hearing shall be held in accordance with the Expulsion rules. The individual who ordered, caused, or requested the emergency suspension shall present at the hearing.
- If the Head Administrator reinstates a student before the hearing, the teacher, upon request, shall be given in writing the reasons for reinstating the student.
- If the suspension is issued, the Head administrator will notify, in writing, the following parties: the Student's parents or guardian with a "Notice of Suspension," Form No. **3810.3**. The written notification shall explain the reasons for the suspension. The student's parents or guardian shall also be notified, in writing with a "Notice of Suspension Letter," Form No. **3810.4**.
- If the student appeals to the Governing Authority, the student must file a written appeal to the Governing Authority within 14 calendar days of receiving the "Notice of Intent to Suspend from School." The Student or the Student's parents may request the meeting be held in executive session. All decisions, however, must be acted upon in a public meeting. The Governing Authority, by a majority vote of its full membership shall act upon suspension by affirming the suspension, reinstating the student, or otherwise modifying the order.

Ability to Make Up Work Required

The School shall allow students to complete classroom assignments missed during both in-school and out-of-school suspensions.

Expulsion

A student may be expelled or totally removed from the education program for more than ten (10) days. Expulsions imposed with fewer days left in the school year than the expulsion requires may be extended into the following school year at the discretion of the Head Administrator or his/her designee. Instead of or in addition to serving an expulsion, the student may be required to perform community service. However, a student may not perform community service if he or she is expelled for bringing a firearm to School or onto School property.

During the student's expulsion, the School may continue educational services in an alternative setting.

Offenses worthy of Expulsion. Expellable offenses may be broken into three categories:

1. Students must be expelled for one year for the following offense:
 - Bringing a firearm to the School, onto School property, or on any property used or leased by the School for school; extracurricular events; or school-related events. On a case by case basis, the School may reduce this disciplinary action in accordance with section 3313.661 of the Revised Code.
2. Students may be expelled for a maximum of one (1) year for the following offenses:
 - Bringing a firearm 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 school district. On a case by case basis, the School may reduce this disciplinary action in accordance with section 3313.661 of the Revised Code.

- Bringing a knife capable of causing serious bodily injury or possessing a knife capable of causing serious bodily injury that was brought on by another person to the School, onto School property, or to an interscholastic competition, an extracurricular event, or any other program or activity sponsored by the School.
- Making a bomb threat to a school building or any premises at which a school activity is occurring at the time under the threat.
- Committing an act that is a criminal offense when committed by an adult and the offense results in serious physical harm to persons or property, *while* the student is at school, on any other property owned or controlled by the Governing Authority, at an interscholastic competition, an extracurricular event, or any other school program or activity.

3. Students may be expelled up to eighty (80) school days for the following offenses:

- Serious misconduct.
- Serious violation of the School rules.
- Other cause.

A “firearm” is defined in accordance with 20 U.S.C. 7151 and means 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 receive of any such weapon, any firearm or firearm silencer; or any destructive 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 that is used for, or is readily capable of, causing death or serious bodily injury.

The Head Administrator may, in his/her sole judgment and discretion, modify or reduce such expulsion for a student committing serious physical harm 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); 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.

The Head Administrator may, in his/her sole judgment and discretion, reduce an expulsion for making a bomb threat 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.

On a case by case basis, the head Administrator may reduce disciplinary action for all offenses involving firearms and knives.

Expulsion Procedure. The following procedure shall apply to Expulsions:

- Before enforcing the expulsion, the Student *and* his/her parent or guardian is provided a "Notice of Intent Expel," Form No. **3810.5**. The Notice shall provide the reasons for the proposed expulsion, the time and place for the hearing.
- The Student is provided a hearing not less than three or more than five days after receiving the Notice. The student may challenge or otherwise explain incident leading to the proposed expulsion. The hearing will be before the Head Administrator or his/her designee and the student may not call witnesses at the hearing.
- If the expulsion is issued, the Head administrator will notify, in writing, the following parties: the Student's parents or guardian and the Treasurer with a "Notice of Expulsion," Form No. **3810.6**. The written notification shall explain the reasons for the suspension. The form shall explain the right to appeal to the Governing Authority, the method of appealing to the Governing Authority, and the right to request that the hearing be held in executive session. If the expulsion is for more than twenty (20) school days or if the expulsion will extend into the following semester or school year shall, the notice shall include information about services or programs offered by public and private agencies, including names addresses and phone numbers, that work toward improving those aspects of the student's attitudes and behavior that contributed to the incident that gave rise to the student's expulsion.
- If the student appeals to the Governing Authority, the student must file a written appeal to the Governing Authority within fourteen (14) calendar days of receiving the "Notice of Intent to Expel from School." The Student or the Student's parents may request the meeting be held in executive session. All decisions, however, must be acted upon in a public meeting. The Governing Authority, by a majority vote of its full membership shall act upon expulsion by affirming the expulsion, reinstating the student, or otherwise modifying the order.

The Head Administrator must continue to follow through on expellable offenses, even if the expelled student withdraws from the School prior to the hearing or Head Administrator's decision.

Emergency Expulsion

A student may be removed immediately from the School or School property—without following the suspension or expulsion procedures—if the Head Administrator or his/her designee determines the student's presence at the School creates (1) a health risk, (2) presents a danger to other persons or property or (3) seriously disrupt the School's function.

Additionally, a student may be immediately removed from curricular or extracurricular activities by a teacher. The student will be sent to the Head Administrator or his/her designee. The teacher must submit in writing the reasons for removal.

Emergency Expulsion Procedure. The following procedure shall apply to Emergency Expulsion:

- Once removed from the activity or school premises, the School shall provide the student written notice "Notice of Emergency Removal," Form No. **3810.1**, as soon as practicable. The notice shall provide reasons for the removal and notify the student of a hearing.
- The hearing shall take place within the next school day from the time of the initial order. The hearing shall be held in accordance with the Expulsion hearing rules. The individual who ordered, caused, or requested the emergency expulsion shall present at the hearing.
- If the Head Administrator reinstates a student before the hearing, the teacher, upon request, shall be given in writing the reasons for reinstating the student.
- If the expulsion is issued, the Head administrator will notify, in writing, the following parties: the Student's parents or guardian and the Treasurer with a "Notice of Expulsion," Form No. **3810.6**. The written notification shall explain the reasons for the expulsion. The form shall explain the right to appeal to the Governing Authority, the method of appealing to the Governing Authority, and the right to request that the hearing be held in executive session. If the expulsion is for more than twenty school days or if the expulsion will extend into the following semester or school year shall, the notice shall include information about services or programs offered by public and private agencies, including names addresses and phone numbers, that work toward improving those aspects of the student's attitudes and behavior that contributed to the incident that gave rise to the student's expulsion.
- If the student appeals to the Governing Authority, the student must file a written appeal to the Governing Authority within fourteen (14) calendar days of receiving the "Notice of Intent to Expel from School." The Student or the Student's parents may request the meeting be held in executive session. All decisions, however, must be acted upon in a public meeting. The Governing Authority, by a majority vote of its full membership shall act upon expulsion by affirming the expulsion, reinstating the student, or otherwise modifying the order.

Consultation with Mental Health Professional

Beginning 2018-2019 school year, the Head Administrator shall consult with a mental health professional under contract with the School prior to issuing an out-of-school suspension or expulsion for a student in any of grades pre-K through three. If the events leading up to suspension or expulsion indicate a need for additional mental health services, the Head Administrator or mental health professional must, without a financial burden to the School, assist the student's parent or guardian with locating providers or obtaining those services. That assistance might include referral to an independent mental health professional. This does not limit a School's responsibility to provide special education and support services in the manner required by Ohio and federal law.

The School, its governing authority, and its employees shall be immune from civil damages for injury, death, or loss to person or property arising from a school employee's decision not to provide

or procure mental health services for a suspended or expelled student, unless the decision is made with malicious purpose, in bad faith, or in a wanton or reckless manner.

Permanent Exclusion

The Head Administrator may seek permanent exclusion pursuant to the process outlined in Ohio Revised Code 3313.662. The acts (as provided under 3313.662) qualifying a student for permanent exclusion are specified. A student must be 16 or older (at the time the act was committed) and convicted or adjudicated delinquent for violating any of the following:

- 2923.122: Illegal conveyance or possession of a deadly weapon or dangerous ordnance or of object indistinguishable from firearm in a school safety zone.

Any of the following acts, if committed on property owned or controlled by, or at an activity held under the auspices of the school:

- 2923.12: Carrying Concealed Weapons
- 2925.03: Trafficking or Aggravated Trafficking of Drugs
- 2925.11: Possession of Controlled Substances (Other than minor drug offenses)

Any of the following acts, if committed on property owned or controlled by, or at an activity held under the auspices of the school if the victim was an employee of the school:

- 2903.01: Aggravated Murder
- 2903.02: Murder
- 2903.03: Voluntary Manslaughter
- 2903.04: Involuntary Manslaughter
- 2903.11: Felonious Assault
- 2903.12: Aggravated Assault
- 2907.02: Rape
- 2907.05: Gross Sexual Imposition
- Complicity for any of the above criminal acts, regardless of whether the complicity occurred on property owned or controlled by, or at an activity held under the auspices of the school.

After obtaining or receiving proof of the conviction or adjudication and determining that it is appropriate to seek permanent exclusion, the Head Administrator shall give the student and the student's parent, guardian, or custodian written notice that the Head Administrator intends to recommend to the Governing Authority that the Governing Authority adopt a resolution requesting the superintendent of public instruction to permanently exclude the pupil from public school attendance.

Sealed Records

The School shall comply with any court order regarding the sealing of a current or former student's records under R.C. 2151.357; provided, however, that the School shall retain records as permitted under R.C. 2151.357 for any student who has been permanently excluded under Sections 3301.121 and 3313.62 of the Revised Code, where those records are regarding an adjudication that the student is a delinquent child that was used as the basis for the student's permanent expulsions. Except as permitted by Sections 3301.121, 3313.662, or 2151.358 of the Revised Code, no officer or employee of the School shall release, disseminate, or otherwise make available records of a

student which have been sealed pursuant to R.C. 2151.357 for any purpose involving employment, bonding, licensing, or education to any person or to any department, agency, or other instrumentality of the state or of any of its political subdivisions any information or other data concerning any arrest, taking into custody, complaint, indictment, information, trial, hearing, adjudication, or correctional supervision.

General Policies regarding Exclusion

While a student is excluded, whether suspended, removed, or expelled, the Governing Authority prohibits the Student from attending or participating in all School functions or entering the School. The Head Administrator may permit the student to do otherwise.

Reporting to the Department of Education

For each of school years 2018-2019, 2019-2020, 2020-2021, and 2021-2022, the School must report to the Department of Education the number of out-of-school suspensions and expulsions issued for any of its students in any of grades pre-K through three, placing each suspension or expulsion in one of the three categories.

Using the numbers reported for the 2018-2019 school year as a base line, each district or school must reduce the number of Category 3 suspensions according to the following schedule:

2017/2018: 0%
2018/2019: 0%
2019/2020: 25%
2020/2021: 50%
2021/2022: 100%

Additionally, the School must report to the Department of Education, information on whether the School has implemented a PBIS framework.

This policy will be posted in a central location. Additionally, this policy will be made available to students.

Ohio: R.C. 2151.357, 3301.121, 3313.66, R.C. 3313.661, R.C. 3313.662, R.C. 3313.664; R.C. 3321.13; R.C. 3314.03; 3314.146.

Cross Reference: Policy No. **4510**, Tiered Student Discipline Program; Policy No. **4520**, Transportation Discipline; Policy No. **4540**, Disciplining a 504 Student; Policy No. **4550**, Suspension & Expulsion Policy for Students with Disabilities.

MOTION FY2021-04-54
DATE: 04-21-2021