

I. STUDENT CODE OF CONDUCT

School employees provide a support system to encourage students to engage in appropriate choices and decision-making skills. A student is expected to behave him/herself in such a way so as to facilitate a learning environment for themselves and the other students. Students are encouraged to respect each other and school employees.

Failure to comply with such policies, rules, and regulations, hereinafter set forth, may be just cause for disciplinary action that may include admonishment, parent conferences, detention, emergency removal from class, removal from school and/or school-related activities, suspension in or out of school, expulsion, or other disciplinary action as determined appropriate by school authorities.

These rules are in effect during school; during any school-sponsored activity/event/program at school; on school grounds; on a school bus, school van, or taxi, or at a bus stop; in transit to and from school; at any other time when any school group is using the school; during any school-sponsored activity/event/program off school grounds.

1. INSUBORDINATION

A student shall not willfully disobey any reasonable command, instruction, or request from a teacher, administrator, or other school employee. This includes repeated violations of class rules or directives.

2. VANDALISM

A student shall not willfully damage, destroy, or vandalize school property or the personal property of others.

A student who commits an act of vandalism shall be required to pay in full the cost to repair or replace the damaged property. Items to be repaired or replaced at \$25 or less is payable within 30 days of the incident. Items exceeding \$25 may be paid in increments with all outstanding balances due prior to the last school day of the current school year. Grade cards may be withheld for outstanding balances when there has been no action during the current grading period on the part of the student and/or parent to make restitution.

The administrator shall send notice of such damage to the parent or guardian of the student and in default of satisfactory settlement, the case shall be reported to the Superintendent of Schools.

Provisions of Section 3109.09 of the Ohio Revised Code, fixing the liability of parent for acts of a child, may be used to recover costs incurred in repair or replacement of vandalized property.

3. THEFT

A student shall not steal or otherwise remove school property or the personal property of others from its intended location.

4. PHYSICAL, EMOTIONAL, AND VERBAL ABUSE

A student shall not assault, intimidate, harass, abuse, or indicate intent to do physical harm to a school employee, a student, or other persons at any time.

A. Fighting: This is a physical altercation between students usually over a personal grievance and the fight does not involve the other students. An individual whose deliberate behavior directly leads to a fight between two or more other parties shall be considered a participant.

B. Assault: This is the type of altercation where one student, with little or no provocation, physically attacks another student.

- C. **Bullying:** This is the type of altercation where one student, with little or no provocation, engages in an intentional display of force that would give the victim reason to fear or expect immediate bodily harm.
- D. **Sexting:** This is when a student has in his possession or shares nude, pornographic or otherwise illegal images either by e-mailing or text messaging.

5. WEAPONS AND OTHER DANGEROUS DEVICES

A student shall not knowingly possess, use, or threaten to use firearms, explosives, or other weapons or dangerous devices.

A student who brings a weapon to school (knife, firearm, etc.) will be removed from school for a 45-day period while school officials determine what further steps may be taken.

6. ILLICIT DRUGS

A student shall not possess, use, buy, or sell any illicit drugs or look-alikes, drug paraphernalia, tobacco, or alcohol. This includes transporting to and from school any authorized student medications as medications must be transported by adults only.

In the event that an individual is identified as possessing, selling, or displaying evidence of use of any chemical substance, that individual shall be suspended from the school environment up to 10 days and/or arrested and charges filed accordingly.

Whenever a student is removed from the ED/Alternative program in accordance with O.R.C. 3313.66 for the possession of alcohol or drugs, the Superintendent may notify the registrar of motor vehicles and the juvenile judge of the county of the suspension or expulsion. After receiving such notification, the registrar of motor vehicles is required to suspend the temporary instruction permit or driver's license of the student who is the subject of the notice.

If a temporary permit or license has not been issued for that student, the registrar is prohibited from issuing a temporary permit or license. Driving privileges may be restored once the Superintendent notifies the registrar that the student has satisfied any conditions established by the Superintendent.

Notification to the registrar of motor vehicles and the county juvenile judge must comply with O.R.C. 3319.321 and with the U.S. Family Educational rights and Privacy Act of 1974 (FERPA) and accompanying regulations.

In accordance with Ohio law, a student whose driving privileges have been denied can file a petition with juvenile court in which he resides. (Approval date 7-18-90) (Refers to new Ohio Revised Code 3321.13; 4507.061. See also Ohio Revised Code 3319.321 and the Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. 1232g, 34 CFR Part 99.)

7. DRESS CODE

A student shall not wear clothing that displays offensive words and/or graphics, tank tops, fish net shirts, muscle shirts, spaghetti straps, halter tops, headgear (hats, scarves, hoods, bandanas, etc.), gloves, and sunglasses.

A student shall not display his/her bare midriff and shorts and/or dresses and skirts must extend longer than fingertips when arms are held at the side. Chains, and chained wallets are to be removed during the school day.

Students shall not violate safety regulations or requirements for grooming and attire. The school administrator will make the final decision regarding the appropriateness of dress since no dress code can be all-inclusive. A student who shows a disregard for appropriate dress and refuses to abide by this set of guidelines will be considered insubordinate.

8. LEAVING SCHOOL PREMISES

A student shall not leave the school premises while school is in session without the express written permission of the administrator and/or parent/guardian.

9. TERRORIST THREATS

A student shall not threaten to commit any crime of violence or to burn, damage, or destroy property with the purpose of terrorizing others or causing the evacuation of a school building or school bus, or otherwise causing serious public inconvenience or reckless disregard for inducing panic and terror.

10. MISCELLANEOUS OFFENSES

A student shall not engage in activities such as obscene and profane language, sexual acts, cheating, lying, gambling, extortion, bribery, and forgery. A student shall not commit any other action not specifically mentioned that is detrimental to the education, safety, and welfare of that student or to other students and staff.

The final disposition of any behavior will be determined by the administration, with due consideration for the welfare of the students and any other relevant factors involved. Progressive discipline processes are implemented and are in proportion to the severity of the behavior, the previous discipline history of the student and other relevant factors, including the student's IEP, while ensuring that each student receives the due process mandated by federal and state law.

The administrator may suspend a student on an IEP up to 10 days during the school year. When a suspension may be in order, a written notice will be given to the student explaining the reasons for the proposed suspension. An informal hearing between the administrator and the student is held at which time the student may ask questions, explain his/her actions, and relate his/her side of the incident, and question the reason for the suspension. If, after the hearing, a suspension is still forthcoming, the parent/guardian will be given a written notice that explains the reasons for the suspension, the duration of the suspension, and the right of appeal to the superintendent of the Allen County Educational Service Center. An IEP review may be held for a student who continues to engage in repeated offenses and any student exceeding 10 days of suspension. A Functional Behavior Assessment will be conducted at a meeting held to determine if a student's action(s) was a direct manifestation of his/her disabling condition.

II. DISCIPLINARY ACTIONS

1. EMERGENCY REMOVAL

If the actions, behavior, or presence of a student poses a continuing danger to person or property or an ongoing threat of disrupting the academic process, either within the classroom or elsewhere on school premises or while the student is under the jurisdiction of school authorities off school premises, the student may be temporarily removed from a curricular or extracurricular activity by the administrator (building principal, ED Administrator, Director of Curriculum, Superintendent) and/or supervising school employee under the following limitations:

- A. The administrator may remove the student from curricular or extracurricular activities or from the school premises.
- B. The administrator may arrange with a parent, guardian, or custodian or with law enforcement authorities for the emergency removal of a student from a curricular or extracurricular activity.

- C. A school employee may remove a student from curricular or extracurricular activities under his/her supervision but not from school premises. The student is to be escorted to the office, and an adult must remain with the student until the administrator can dispose of the case.
- D. If a student is removed under the emergency removal provisions by a teacher and/or teacher assistant, the school employee shall as soon as practicable but no later than the end of the school day submit in writing to the administrator, the reason for such removal.

2. SEARCH AND SEIZURE

The right of inspection of a student's locker is inherent in the authority granted the Board of Education and school officials and should be exercised so as to assure parents that school employees will use every safeguard to protect the well-being of the children in their care.

A. Searches of Student Property by School Personnel:

The following rules apply to the search of school property assigned to a specific student (locker, desk, etc.) and that seizure of items in his/her possession:

1. There is reasonable suspicion for school authorities to believe that impermissible articles are kept in the locker, desk or other storage space, possession of which constitutes a rule violation.
2. General housekeeping inspection of school property and/or random searches of all lockers may be conducted.
3. School authorities will seize illegal items or other possessions reasonably determined to be a threat to the safety or security of others at any time.

B. Search of a Student's Person or Personal Property by School Personnel (other than arrival procedures):

The administrator is permitted to search the person and personal property (purse, cell phone and other electronic devices, book bag, gym bag, etc.) of a student when there is reason to believe that evidence will be obtained indicating the student's violation of either the law or school rules. The following rules apply in such cases:

1. There will be reasonable suspicion to believe that the search will result in obtaining evidence, which indicates the student's violation of the law or school rules.
2. The parent or guardian of a minor student who is the subject of a search will be notified of the search and will be given the reason(s) for the search, as soon as feasible.
3. When evidence is uncovered indicating that a student has violated the law, law enforcement officials will be notified. Strip searches by school personnel are forbidden. If school officials believe a strip search is necessary, law enforcement officials will be called to conduct the search.

C. Searches of Student Property by Law Enforcement:

A proper search warrant is not required for any search by the administrator of a student's personal property kept on school premises. If a law enforcement officer has reason to believe that any item

which might pose an immediate threat to the safety or security of others is kept in a student locker, desk or other storage space, a search may be conducted without a previously issued warrant.

D. Interrogations by Law Enforcement:

The ED/Alternative Program has legal custody of students during the school day and during hours of approved extracurricular activities. It is the responsibility of the administrator to try to protect each student under its control; therefore, the following steps will be taken:

1. Parents, if at all possible, shall be requested to be present during the interrogation by law enforcement officials.
2. If necessary, school authorities shall demand all law enforcement officers to present their credentials before any action is taken toward interrogation.
3. The interrogation can only be done in the presence of the administrator or designated representative.
4. If a law enforcement officer, with a warrant for the arrest of a student, proceeds to remove the student from school premises, reasonable efforts must be made by school authorities to notify the parents of the student being removed.

In the interest of safety and security, a camera may record class activities. Students and their belongings (Trapper Keeper, see-through book bag, purse, wallet, pockets, etc.) will be searched daily. A metal wand detector will be used daily with students attending the ED/Alternative Program at the Allen County ESC. Use of the Sheriff's Office drug dogs may be periodic and unannounced. Possession of contraband will result in confiscation and/or prosecution.

This handbook is intended as an appendix to both the “home” school and the Allen County Educational Service Center’s Student Codes of Conduct. Students are expected to be responsive to the guidelines of their “home” district, as well as those established by the ED/Alternative Programs. This handbook is intended as a resource guide for the student, parents, teacher, and administrators.