



# WILLOUGHBY-EASTLAKE CITY SCHOOLS

## STUDENT CODE OF CONDUCT & RELATED POLICIES

### Code of Student Conduct/Purpose and Applications

The educational purpose of the school is paramount; behavior of any kind, symbolic or otherwise, is to be limited to prevent disruption of that purpose. Studies of effective schools have shown that reasonable discipline is essential to maintaining a school environment conducive to learning. Willoughby-Eastlake Schools use positive behavior supports to promote positive academic and social behaviors. This Code specifies activities which may subject a student to consequences including, but not limited to suspension, expulsion or other removal from the schools, and sets forth the procedures which must be followed in imposing such discipline.

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

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

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

"Emergency removal" shall be the exclusion of a student who poses a continuing danger to District property or persons in the District or whose behavior presents an on-going threat of disrupting the educational process provided by the District. (See Policy 5610.03 "Emergency Removal")

"Suspension" shall be the temporary exclusion of a student by the Superintendent, principal, assistant principal, or any other administrator from the District's instructional program for a period not to exceed ten (10) school days. Suspension may extend beyond the current school year, if at the time a suspension is imposed, fewer than ten (10) days remain in the school year. The Superintendent may apply any or all

of the period of suspension to the following year. The procedures for suspension are set forth in the Student Code of Conduct/Student Discipline Code and Board Policy 5611 "Due Process Rights".

"Expulsion" shall be the exclusion of a student from the schools of this District for a period not to exceed the greater of eighty (80) school days or the number of school days remaining in a semester or term in which the incident that gives rise to the expulsion takes place or for one (1) year as specifically provided in this policy and the Student Code of Conduct/Student Discipline Code. Only the Superintendent may expel a student. The procedures for expulsion are set forth in the Student Code of Conduct/Student Discipline Code and Board Policy 5611 "Due Process Rights".

Suspension, expulsion, or removal from school results in an unexcused period of absence from regular classes. A student may not receive scholastic credit for the period of his/her absence. During this time, the student (if he/she is 18 years of age or older) and/or the parents, guardian or custodian are responsible for the conduct of the individual. While suspended, expelled or removed from school under this policy, students are not permitted to attend curricular or extracurricular activities. If a student is removed only from a particular class or activity, he/she may not attend that class or participate in that activity for the duration of the removal.

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

#### **Disciplinary Consequences Applied by Administration or Other Designees**

The administration of Willoughby-Eastlake Schools may implement the following corrective actions based upon the specified range of consequences and administrative discretion:

- Conference with student and/or parent
- Parent/Guardian contact
- Emergency removal from class, school, activity or transportation
- Restriction, modification, or removal as a spectator or participant in any extracurricular activity or school event, including away activities
- Confiscation, restitution, restoration, replacement, repair, clean-up
- Revocation or modification of any school privilege
- Revocation of transportation privilege
- Detention
- Extended day
- Saturday school
- Suspension (up to 10 school days)
- Recommendation for expulsion (11-80 school days)
- Referral to Juvenile Court, police or fire department

### **Disciplinary Procedures and Other Related Policies**

Consequences may or may not be applied in the order in which they are listed above. An administrator has the authority to apply any consequence or combination of consequences for any rule violation after he/she:

- Conducts an informal hearing (due process)
- Reviews the Code of Conduct violation (circumstance and fact)
- Reviews the student's history of school behavior and educational background

### **Mandatory Re-Entry Conference**

Upon return or reinstatement to school from expulsion and/or suspension; a parent, guardian, or custodian may be required to be present with the student for a re-entry conference with an administrator.

### **Legal Requirements**

#### **Child Abuse/Neglect**

State law requires school personnel to report a known or suspected case of child abuse or neglect to police or county authorities. Once reported, a known or suspected case of abuse or neglect must be investigated. An investigating agent has authority to interview a student on the school premises.

#### **Curfew**

Local law addresses curfew for any person under 18 years of age. While under suspension or expulsion, a student is expected to remain at home or in a domicile provided by the parent/guardian, and to remain off public or private property unless employed with an Age and Schooling Certificate work permit issued by the Willoughby-Eastlake Board of Education.

#### **Search and Seizure**

Lockers, and other areas for storage, supplied by the school and used by the students are the property of the Board of Education. Therefore, student lockers and the contents of the lockers are subject to random search at any time by school administration without regard to whether there is a reasonable suspicion that any locker or its contents contains evidence of a violation of a school rule or criminal statute. Random searches of lockers may include the assistance of dogs trained to detect the presence of drugs or other items that may be considered dangerous or illegal.

Search of a student and his/her possessions, may be conducted at any time the student is under the jurisdiction of the Board of Education. If there is a reasonable suspicion that the student is in violation of school rules, a search may also be conducted with an administrator to protect the safety of self and others.

Any students who exercises the privilege of parking an automobile on school grounds shall be considered to have given implied consent to search such automobile at any time a search is requested

by school administration. Failure to comply with a reasonable search will be considered insubordination.

### **CCTV Surveillance**

The interior and exterior of Willoughby-Eastlake Schools, and transportation, are under electronic surveillance. A recording may be used as evidence by administrators, security, or police in any situation involving the violation of any rule, regulation, policy or law. Privacy(FERPA) considerations and other factors prevent school officials from sharing surveillance media with parents, students or members of the general public.

### **Consequences for Unlawful Conduct**

Some forms of conduct are violations of local, state or federal laws. If such conduct poses a clear and present danger to the health, safety or welfare of other persons or interferes with the orderly operation of school, disciplinary action may include additional action taken by Juvenile, Civil or Criminal Court.

## **School Expectations/Codes/Policies/Regulations**

### **1. Violation of Policies, Rules and Regulations:**

No student shall violate any Board of Education policies or school rules and regulations. Students are responsible for becoming familiar with all policies, rules and regulations.

### **2. Unlawful Behavior**

Students must follow all civil and criminal laws and regulations, including but not limited to: gambling, theft, weapons, inducing panic, extortion, blackmail, controlled substances, gang-related behavior, cyber-crime, trespassing, damaging school/private property, etc.

### **3. Bombs/Firearms/Weapons/Dangerous Instruments**

Students shall not possess any form of weapon or object resembling a weapon (look-alikes). Students also cannot use routine items as weapons (i.e., pencils, combs, etc.).

### **4. Physical Aggression/Fighting**

Students shall keep their hands, feet, and objects to themselves and under control at all times. Students are considered to be fighting when they punch, hit or act violently toward another student. If only one student punches or acts violently toward the other, the incident is considered an assault.

### **5. Assault**

Students shall not cause physical harm to any school staff member, student, or visitor, through deliberate, inappropriate contact, by either the student, or object under the student's control.

### **6. Controlled Substances**

Students shall not use, be under the influence of, possess, buy or sell, offer to buy or sell, or transmit drugs (prescription or non-prescription), alcohol, tobacco or electronic tobacco products. This clause

also forbids the possession of paraphernalia (pipes, lighters, e-cigs, etc.) or items that resemble (look-alikes) any of these substances.

## **7. Harassment/Intimidation/Bullying**

**Harassment:** Causing, or attempting to cause, by action or encouragement, threatening, intimidating (bullying), degrading, injuring, disrespectful, or abusive acts towards another person; including, but not limited to race, religion, disability, gender, or national origin.

**Sexual Harassment:** Conduct such as, but not limited to: unwelcome or uninvited sexual advances; insults; suggestive comments and demands; leering; subtle forms of pressure; requests for sexual favors; unwelcome or uninvited physical conduct or physical action of a sexual nature; inappropriate verbal, written, or pictorial conduct of a sexual nature.

**Hazing:** Hazing is defined as performing any act or coercing another, including the victim, to perform any act of initiation into any class, team, or organization that causes or creates a risk of causing mental or physical harm. Permission, consent, or assumption of risk by an individual subjected to hazing shall not lessen the prohibitions contained in this policy.

**Stalking:** Uninvited conduct (such as purposely following a person, purposely being in another person's location) that interferes with a person's right to a school environment free from intimidation and unhindered passage; directing uninvited behavior toward another person who does not want the perpetrator's attention.

**Bullying:** Bullying is the use of force, threat, or coercion to abuse, intimidate, or aggressively dominate others. The behavior is often repeated and habitual. One essential prerequisite is the perception, by the bully or by others, of an imbalance of social or physical power.

**Cyber Bullying:** Cyberbullying is bullying that takes place using electronic technology. Electronic technology includes devices and equipment such as cell phones, computers, and tablets as well as communication tools including social media sites, text messages, chat, and websites. Examples of cyberbullying may include potentially hurtful text messages or emails, rumors sent by email or posted on social networking sites, and embarrassing pictures, videos, websites, or fake profiles.

**Threats/Intimidation:** Conduct (written, verbal, graphic or physical) that a student exhibits towards another individual that:

- Causes mental or physical harm or places an individual in an unsafe or threatening situation
- Creates an intimidating, threatening, or abusive educational environment
- May include electronically transmitted acts (e.g. Internet, cell phones, e-mail, social media, or wireless hand-held devices)

## **8. Inappropriate Contact/Sexual Conduct**

Students shall not participate in any form of sexual contact. This involves consensual and non-consensual behavior.

## **9. Inappropriate Language/Abusive Language**

Students are prohibited from being verbally abusive, profane or vulgar in any form, including spoken or written words, pictures, electronic transmissions/posts, text messages, and gestures.

## **10. Disruption/Disorderly Conduct**

Students must conduct themselves in a manner which contributes to a safe and orderly environment at all times. Student behavior should promote a positive, structured school environment and learning process. Any behaviors which disrupt the school environment, or detract from a teacher's ability to teach or a student's ability to learn can be considered disruptive and/or disorderly conduct.

## **11. Disrespect/Defiance/Non-Compliance/Insubordination**

Students shall comply with adult directives the first time they are given. They shall follow directions without argument or other display of disagreement. Students are expected to serve assigned consequences. Students are expected to act in a respectful manner towards all Willoughby-Eastlake employees, students and visitors.

## **12. Tardy**

Students must arrive on time to school, classes and required school functions.

## **13. Class Cut/Truancy**

Students must attend school and be in their assigned areas at all times.

## **14. Academic Dishonesty/Falsification**

Students must present only their own work for all assignments, avoiding plagiarism from peers, internet sites, previous authors, etc. Further, students cannot falsify documents including hall passes, permission slips, teachers' notes or words, doctor's notes, legal documents, etc.

## **15. Property Misuse/Vandalism**

Students must use personal and/or school-owned items for their intended educational purpose only. Students must not cause or attempt to cause damage, defacement, or destruction of private or school property.

## **16. Dress Code**

Students are required to dress in a manner that is safe, modest, and appropriate for their class or activity. Students should not dress in a manner that disrupts the learning environment. No policies or rules shall deprive any person of civil rights, enforce a particular code of morality, or espouse religious tenets. There must be a clear showing of a reasonable connection between any specific dress/grooming prohibition and negative effect on the student or the educational process. This Policy and Regulations shall be reviewed annually by the Superintendent or his/her designees, and recommended changes submitted to the Board for approval prior to implementation.

The following attire is PROHIBITED during any school sponsored activities.

- a. Over-sized, spandex, or extremely tight-fitting clothing. NO SAGGING PANTS.

- b. See-through clothing or material that reveals undergarments.
- c. Bare midriff, "crop tops", halter tops, tank tops, tops with spaghetti straps, muscle shirts, and low-cut, revealing tops (no cleavage can be seen).
- d. Undergarments worn on the outside of clothing.
- e. Pajamas - either tops or bottoms.
- f. Garments with inappropriate language, violence, pictures, or suggestive references, including those relating to alcohol, tobacco, drugs, or sex.
- g. Any dress that causes or is likely to cause a hostile, intimidating, degrading, offensive, harassing, or discriminatory environment.
- h. Cleats, slippers, flip-flops, footwear which damages school floors, or stiletto heels; sandals must have back straps(**Elementary Only**).
- i. Spiked jewelry or chains.
- j. Coats, jackets, and gloves should not be worn in school.
- k. Hats and caps must be removed when entering building; hoods on sweatshirts may NOT be worn covering head.

### **17. Electronic Devices**

Students must follow adult directions with regard to cell phones and other electronic devices. Failure to follow adult directions shall be considered insubordination.

### **18. Bus Misconduct**

No student shall threaten, threaten to act, or act in such a way as to pose a danger to the safe operation of a school bus(regulations detailed below)

### **19. Repeated Offenses**

Students who repeatedly violate the Willoughby-Eastlake Code of Conduct may receive escalating consequences.

### **When Rules Apply**

Willoughby-Eastlake students are expected to act in a manner that ensures the good order and operation of a productive learning environment.

School policies and rules are enforced:

- On school grounds 24 hours per day
- Off school grounds, at any school sponsored activity
- On school transportation
- From residence to school
- From school to residence
- Any time the student is subject to school authority

## **Transportation**

No student shall threaten, threaten to act, or act in such a way as to pose a danger to the safe operation of a school bus, including, but not limited to, the following:

- A. remaining properly seated, in his/her assigned seat;
- B. throwing or threatening to throw any object at the bus driver, aide, or other passenger;
- C. extending any objects, including body parts, out of the bus window;
- D. possessing and/or using controlled substances on the bus;
- E. littering the bus;
- F. eating or drinking on the bus;
- G. bringing a pet or other animal onto the bus, except for service animals;
- H. failing to follow the lawful directions of the bus driver or aide;
- I. causing damage to the bus;
- J. engaging in any conduct which causes or threatens to cause physical harm or emotional distress to the bus driver or the aide, to the extent that the driver's attention could be diverted from his/her driving;
- K. riding a Willoughby-Eastlake school bus during a bus or school suspension;
- L. entering and exiting the school bus at an unassigned stop, or crossing at non-designated areas;
- M. carrying objects on a school bus that cannot be held in their laps;
- N. failing to arrive at the assigned bus stop at least five minutes before scheduled pick-up time;
- O. trying to leave the school bus without permission of the driver or aide;
- P. entering or exiting a school bus through the emergency door unless specifically instructed to do so by the driver or aide

## **Related Transportation Regulations**

- Parents are not permitted to board a school bus at any time
- Seating assignments may be made by bus personnel or administration
- Bus driver may stop the bus and have a student removed by school administration or local law enforcement for violations that are dangerous or extremely disruptive

When a student is determined by a bus driver to have violated the bus conduct requirements set forth above, the driver shall issue a bus misconduct notice in the student's name to the principal of the building the student attends. The principal or his/her designee shall meet with the student to review the circumstances and facts and the principal shall return the notice or a copy thereof to the Transportation Department, indicating thereon the corrective action taken.



For the first and second violations of these rules, the principal may prescribe some type of corrective action. Suspensions from the bus may be imposed for the third and subsequent offenses, in accordance with the following schedule:

Third Offense: Up to three days bus suspension

Fourth Offense: Up to five days bus suspension

Fifth Offense: Up to ten days bus suspension

Sixth Offense: Up to suspension for the remainder of the current school year

Suspension from the bus does not relieve a student from punctual school attendance. All other Board policies and regulations dealing with student conduct are also applicable to students while they are on a school bus.

### **5611 - DUE PROCESS RIGHTS**

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

Accordingly, the Board establishes the following procedures:

A. Student subject to suspension:

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

1. The student will be informed in writing of the potential suspension and the reasons for the proposed action.
2. The student will be provided an opportunity for an informal hearing to challenge the reason for the intended suspension and to explain his/her actions.
3. An attempt will be made to notify parents or guardians by telephone if a suspension is issued.
4. Within one (1) school day of the suspension the Superintendent, principal, or other administrator will notify the parents, guardians, or custodians of the student and the Treasurer of the Board. The notice will include the reasons for the suspension and the right of the student, parent, guardian, or custodian to appeal to the Board or its designee; the right to be represented at the appeal; and the right to request the hearing be held in executive session if before the Board. The notice shall also specify that if the student, parent, guardian, or custodian intends to appeal the suspension to the Board or its designee, such notice of appeal shall be filed, in writing, with the Treasurer of the Board or the Superintendent within fourteen (14) calendar days after the date of the notice to suspend. If the offense is one for which the District may seek permanent exclusion, then the notice will contain that information.
5. Notice of this suspension will also be sent to the:
  - a. Superintendent;
  - b. Board Treasurer;

- c. Student's school record (not for inclusion in the permanent record).
6. If a student leaves school property without permission immediately upon violation (or suspected violation) of a provision of the Student Code of Conduct/Student Discipline Code or prior to an administrator conducting an informal hearing as specified above, and the student fails to return to school on the following school day, the principal, assistant principal, Superintendent, or any other administrator, may send the student and his/her parent(s)/guardian(s) notice of the suspension, and offer to provide the student and/or his/her parents an informal hearing upon request to discuss the reasons for the suspension and to allow the student to challenge the reasons and to explain his/her actions, any time prior to the end of the suspension period.

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

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

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

The procedure to pursue such appeal will be provided in regulations approved by the Superintendent. Notice of appeal must be filed, in writing, with the Treasurer or the Superintendent within fourteen (14) calendar days after the date of the notice to suspend.

#### Appeal to the Court

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

#### B. Students subject to expulsion:

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

1. The Superintendent will give the student and parent, guardian, or custodian written notice of the intended expulsion, including reasons for the intended expulsion.
2. The student and parent or representative have the opportunity to appear before the Superintendent or designee to challenge the proposed action or to otherwise explain the student's actions. The written notice will state the time and place to appear, which must not be earlier than three (3) school days nor later than five (5) school days after the notice is given, unless the Superintendent grants an extension upon request of the student or parent.
3. Within one (1) school day of the expulsion, the Superintendent will notify the parents, guardians, or custodians of the student and Treasurer of the Board. The notice will include

the reasons for the expulsion and the right of the student, parent, guardian, or custodian to appeal to the Board or its designee; the right to be represented at the appeal; and the right to request the hearing be held in executive session if before the Board. The notice shall also specify that if the student, parent, guardian, or custodian intends to appeal the expulsion to the Board or its designee, such notice of appeal shall be filed, in writing, with the Treasurer of the Board or the Superintendent within fourteen (14) calendar days after the date of the notice of expulsion. If the offense is one for which the District may seek permanent exclusion, then the notice will contain that information.

#### Appeal of Expulsion to the Board

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

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

The procedure to pursue such appeal will be in accordance with regulations approved by the Superintendent. Notice of appeal must be filed, in writing, within fourteen (14) calendar days after the date of the Superintendent's decision to expel with the Treasurer of the Board or the Superintendent.

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

#### Appeal to the Court

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

##### C. Students subject to emergency removal:

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

##### D. Students subject to permanent exclusion:

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

##### E. Students subject to suspension from bus riding/transportation privileges:

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

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

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

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