

# **STUDENT CODE OF CONDUCT AND DUE PROCESS FOR STUDENT SUSPENSION AND EXPULSION**

*(Revised for the 2019-20 School year)*

Students are expected to conduct themselves in such a way that they respect and consider the rights of others. Students of the District must conform with school regulations and accept directions from authorized school personnel. The Board will not tolerate violent, disruptive or inappropriate behavior by its students. Such behavior is punishable and will result in disciplinary action which may include suspension, exclusion or other forms of discipline.

This code of regulations applies while a student is in the care, custody or control of the school, on school grounds or close thereto, while at a school-sponsored function or activity or on school-owned or provided transportation vehicles. In addition, the Student Code of Conduct governs a student's conduct at all times, on or off school property, when such student conduct is reasonably related to the health and safety of other students and/or school employees, or such conduct would unreasonably interrupt or disrupt the educational processes of the Lakota Local Schools.

Students and parents shall be provided annually (at the beginning of the school year or upon entering the District) written information on the rules and regulations to which students are subject while in school and while participating in any school-related activity or event. The information provided shall include the types of misconduct for which a student is subject to suspension or expulsion from school or other forms of disciplinary action. The Board directs the administration to make all students aware of the student code of conduct and the fact that any violations of the student code of conduct are punishable.

If a student violates the code of conduct, school personnel, students or parents should report the student to the appropriate principal or assistant principal. The administration cooperates in any prosecution pursuant to the criminal laws of the State of Ohio and local ordinances.

When misconduct occurs, each student will be given due process in accordance with the Ohio Revised Code and as adopted by the Board.

The teacher is the key figure in school discipline. He or she is expected to make every effort to personally handle the usual problems of maintaining classroom discipline. When a disciplinary problem becomes acute enough to involve the school administrator, then the teacher should seek his/her assistance. Under these circumstances both the teacher and the administrator are expected to give the student his/her due process rights.

## **Levels of Offenses**

Acts of misconduct are categorized into the following four levels of offenses:

Level I: Violation of general classroom, bus or school rules – Level I consists of minor offenses that generally occur in the classroom, on the bus or on school premises and can be corrected by the teacher, driver or school administrator.

- Level II: Conduct requiring administrative intervention – Level II consists of offenses that are more serious in nature or persistent or serious Level I misconduct.
- Level III: Suspension and/or removal to a disciplinary alternative placement program (APP)– Level III consists of offenses that significantly disrupt the educational process, school environment, and/or school-related activities, including bus transportation, or persistent or serious Level I or II misconduct.
- Level IV: Expulsion and/or removal to a disciplinary alternative placement program (APP) – Level IV consists of serious offenses which include willful or malicious acts that have the effect of materially and substantially disrupting the educational environment in the school, on the school bus or at school activities or Level I, II, or III infractions depending on the severity or persistence of the act.

## **Level I Offenses**

### **Rule 1 - Dress Code**

The Board believes that student dress should enhance a positive image of students and the District. The standards of dress and grooming outlined are necessary to promote discipline, maintain order, secure student safety, and provide a healthy environment that is conducive to learning.

When a student is at school, participating in school activities or at school-sponsored events, his/her dress and grooming must not:

- A. Present a health or safety hazard to the student or to others in the school or attending the school-sponsored activity;
- B. Materially interfere with school work, create disorder, or disrupt the educational environment;
- C. Cause excessive damage or wear-and-tear to school property; and/or
- D. Keep the student from participating safely in his/her own education.

To facilitate a consistent pattern of application of the student dress code, the following standards shall be applied:

- A. Shirts and tops must cover all undergarments and have high enough necklines to cover all cleavage. Strapless, crop, and see-through tops are not acceptable.
- B. Lower garments should not drag on the floor or allow undergarments to be exposed when the student sits, stands, raises his/her hand, or bends over. Form-fitting lower garments must be worn under a shirt, skirt or dress that extends to the thighs.

- C. No skin should be visible between a student's top and bottom garment when the student sits, stands, raises his/her hand or bends over.
- D. Clothing or accessories that include obscene, violent, gang, tobacco, drug or alcohol related writing or images are not acceptable. Items of clothing that belittle others may not be worn (i.e., race, religion, gender, etc.).
- E. Coats and jackets meant for outdoor wear, book bags and oversized bags must be kept in the school locker or other designated area during the school day.
- F. Facial hair must be kept neat and clean.
- G. Head coverings and sunglasses should not be worn inside any building. Head coverings worn for religious reasons shall be permitted.
- H. Appropriate footwear must be worn to provide for safe and sanitary conditions.

Building administrators shall judge student dress and grooming in individual buildings. The building administrator may exclude (i.e. not admit to class or suspend) any student, when in his/her judgment, the student is not following appropriate dress and grooming standards.

Exceptions to these standards may be considered based on personal circumstance, cultural beliefs and to promote school spirit. Students, who request an exception, must have parental permission to do so and obtain written permission from the building administrator prior to deviating from the standards of dress. A parent conference may be requested by the building administrator.

## **Rule 2 - Tardiness**

A student shall be prompt to school and to class according to its scheduled time.

## **Rule 3 - Student Drivers**

In order to promote safety and enable the school to effectively supervise students immediately before and immediately after school hours, only students who secure a valid permit that allows them to park on school property are permitted to drive to school.

## **Rule 4 - Miscellaneous Offenses**

Disciplinary problems such as not doing required homework, throwing objects in school, and other such offenses are prohibited and may result in disciplinary actions.

### **Level I Disciplinary Options**

Disciplinary options or responses to Level I offenses as determined by the administrator may include, but is not limited to one or more of the following:

- Verbal correction
- Teacher-student conference
- Student-counselor conference
- Teacher-parent conference
- Behavioral probation
- Detention (maintained by teacher before or after school or during recess)
- Parent shadowing
- Restriction of school bus privileges by the building administrator
- Other appropriate disciplinary action

Serious or repeated Level I misbehavior may result in a more serious consequence or treated as a Level II, III or IV offense.

### **Level II Offenses**

#### **Rule 5 - Skipping Detention**

A student assigned to detention shall report on the assigned day and at the assigned time.

#### **Rule 6 – Forgery**

A student shall not change a grade or place the name of a parent, guardian, teacher or other individual as representative of that individual's signature on a school document or on an official document for school purposes.

#### **Rule 7 - Use of Tobacco/Alternative Nicotine Products/Betel Nuts**

A student shall not use or possess tobacco, synthetic tobacco or any tobacco/plant products such as cigarettes, cigars, dip, chewing tobacco, clove cigarettes, etc. A student shall not use or possess any alternative nicotine products, such as electronic cigarettes, vapor cigarettes, etc. A student shall also not possess or use tobacco paraphernalia, including, but not limited to, water pipes, hookahs, lighters, pipes, any look-alike of the above-mentioned items, etc. A student shall not possess a vaporizer or look-alike vaporizer of any kind. (*Note: if a student is caught with a*

*vaporizer or look-alike vaporizer that contains vape juice, e-juice, or juice testing positive for marijuana the student will be considered to have violated both Rule 7 and Rule 21.)*

A student shall not use or possess any betel nut or a substance that contains betel nut on school property or at any school function.

**Rule 8 - Gambling**

A student shall not participate in gambling.

**Rule 9 – Stealing**

A student shall not steal or attempt to steal school property or private property of other students or school personnel.

**Rule 10 – Insubordination**

A student shall not repeatedly violate rules or fail to comply with directions of teachers, student teachers, substitute teachers, teacher aides, bus drivers, principals, or other authorized school personnel.

**Rule 11 - Violation of Ohio Criminal, Traffic, or Juvenile Code**

Commission by a student of any crime in violation of the Ohio Criminal Code, Ohio Traffic Code, or the Ohio Juvenile Code on or off the school grounds, regardless if school related or not, that would, in the judgment of school officials, be a detriment to the ongoing educational processes and/or orderly administration of the school if the student were permitted to continue regular school attendance.

**Rule 12- Violation of the Network Acceptable Use Policy**

Students must have a signed Acceptable Use Agreement before gaining access to the District's computer network. Students shall abide by the District's Network Acceptable Use Policy and any school or classroom rules for network access.

**Rule 13 – Personal Communication Devices**

Students may possess and use personal communication devices (PCDs) on school property, school-provided transportation, or at school-sponsored activities only during approved times and for approved purposes. PCD's include, but are not limited to mobile/cell phones, pagers, tablets,

gaming devices, smart phones, electronic readers, etc. Student use of PCDs on school property is a privilege and not a right. This privilege may be revoked by the District at any time. The District reserves the right, in its sole discretion, to determine which types of PCDs it will allow students to use. Such determinations are subject to change. Notwithstanding the foregoing, Students may possess and use PCDs on school property and at school-sponsored curricular and extra-curricular activities according to the terms set forth in Board Policy 5136. Such use shall not create a distraction, disruption, or otherwise interfere with the educational environment. Authorized student use of PCDs shall include the following:

- A. Before and after the student instructional day;
- B. During designated lunch periods;
- C. In between class periods. However, PCDs must be powered off and stored out of sight prior to the start of and during the entirety of any class period;
- D. During participation in curricular and extra-curricular activities for instructional or educational purposes, and at the discretion of the District Official.
- E. When authorized pursuant to an Individual Education Plan (“IEP”), a Section 504 Accommodation Plan, or a Health Care/Medical Plan with supportive documentation from the student's physician.
- F. Students shall not use their PCD to access inappropriate material either stored on the PCD, through the District’s network, or through a private network (i.e. 3G, 4G, LTE)

Violation of this policy may result in disciplinary action, including possible confiscation of the PCD.

The District is not responsible for stolen, lost, or damaged PCDs.

#### **Rule 14 – Academic Dishonesty**

Students shall not cheat on tests; shall not copy tests, assignments or papers; shall not plagiarize; and shall not violate copyright policy or law. “Tests” shall include but not be limited to classroom tests, quizzes, and State tests and assessments (ex. PARCC, OAA’s, OGT’s, next generation assessments). Academic dishonesty will also include situations when students lie, or forge documents submitted to school for credit (i.e. community service hours, etc.).

Additionally, if a “testing violation” is deemed to have occurred by the Ohio Department of Education because of a student’s actions, the resulting discipline for the student will be under a Level III or Level IV disciplinary option.

## **Level II Disciplinary Options**

Disciplinary options or responses to Level II offenses as determined by the administrator may include, but is not limited to any of the previous (Level I) options and/or one or more of the following:

- Parental contact by phone and written or oral notification to parent or guardian
- Behavioral probation
- Administrator/teacher/student conference
- Detention
- Parent shadowing
- Exclusion from extracurricular activity
- Mediation
- Behavioral contract
- Confiscation
- Temporary removal of the student from the classroom
- In-school suspension
- Friday/Saturday school
- Suspension of transportation privileges
- Monetary restitution for damages
- Report to Juvenile Court and/or Bureau of Motor Vehicles
- Another appropriate disciplinary option or logical consequence determined by the administrator

Serious or repeated Level II misbehavior may result in a more serious consequence or treated as a Level III or IV offense.

## **Level III Offenses**

### **Rule 15 – Safety and Security**

Students shall not create disruptions to the standard operations of school through any form of communication that threatens, or falsely threatens, the safety and security of students and/or district employees. Students who cause substantial disruptions to the standard operations of school or cause panic within the school community may also be subject to criminal charges.

Students are required to follow the safety practices of their buildings. Failure to follow the appropriate safety practices (i.e. propping doors open, permitting entrance through non-entrance doors, etc.) shall be considered a violation of safety and security protocols.

Students will be required to participate in all safety drills that are conducted within their building. Building safety drills may include, but are not limited to:

- A. Fire Drills
- B. Tornado Drills

C. Active Shooter Drills/Training

D. Evacuation/Reunification Drills/Training

**Rule 16 - Disruption of School**

A student shall not by use of violence, force, noise, coercion, threat, false threat, intimidation, fear, passive resistance or any other conduct cause, or attempt to cause the substantial and material disruption or obstruction of any lawful mission, process, or function of the school.

**Rule 17 - Damage or Destruction of School or Private Property**

A student shall not intentionally cause or attempt to cause damage to public or private property, including that of other students, teachers, administrators and other school employees.

**Rule 18 - Discrimination and Harassment**

No student shall harass or discriminate against any student, employee or other person based on race, color, national origin, citizenship status, gender, sex (including sexual orientation and transgender identity), disability, age, religion, ancestry, economic status, pregnancy or genetic information (collectively, "Protected Classes") that are protected by Federal civil rights laws. No student shall retaliate, coerce or intimidate any person who exercises their right to file a complaint of harassment or discrimination, or who participates in the investigation of such complaint. Any participant in a school activity who believes this rule has been violated should report the matter immediately to the building administrator, to his or her teacher, to the Director of Human Resources, or to the Assistant Superintendent at the District Central Office.

**Rule 19 – Bullying/Assaults/Hazing/Dating Violence**

A student shall not harass, haze, bully, retaliate against, coerce, interfere with, intimidate, inflict injury, cause another to inflict injury, or behave in any way which could cause physical injury or mental anguish to another student, teacher, or other school personnel. These acts are prohibited on school property, on a school bus, or at school-sponsored events. A student shall not intentionally direct to another student, teacher or other school employee words, phrases, or gestures which are vulgar, obscene, or degrading. Students are prohibited from using a Personal Communication Device (PCD) to violate this Rule.

Any student or student's parent/guardian who believes he or she has been or is the victim of behavior prohibited by this Rule should immediately report the situation to the building principal or assistant principal. The student may also report concerns to teachers and other school staff who will be responsible for notifying the appropriate administrator.



Every student is encouraged, and every staff member is required, to report student behavior prohibited by this Rule. Reports should be made to those identified above.

All complaints about behavior that may violate this Rule shall be promptly investigated. The building principal or appropriate administrator shall follow the requirements set forth in board policy 5516, 5517, and 5517.01 when investigating complaints.

Semiannually, the Superintendent shall provide to the President of the School Board a written summary of all reported incidents. The list shall be limited to the number of verified acts of bullying, assaults, hazing and dating violence, whether in the classroom, on school property, to and from school, or at school-sponsored events. The semiannual written summaries shall also be posted on the district's web site.

A school district employee, student, or volunteer shall be individually immune from liability in a civil action for damages arising from reporting an incident if that person reports an incident involving harassment, intimidation, bullying, assaults, hazing and dating violence, in good faith, and in compliance with the procedures specified in this rule. Such immunity from liability shall not apply to an employee, student, or volunteer determined to have made an intentionally false report about these prohibited acts.

Retaliation against any person who reports, is thought to have reported, files a complaint, or otherwise participates in an investigation or inquiry concerning allegations of harassment, intimidation, bullying, assaults, hazing and dating violence is prohibited and will not be tolerated. Such retaliation shall be considered a serious violation. Suspected retaliation should be reported in the same manner set forth above. Making intentionally false reports under this Rule is similarly prohibited. Retaliation and intentionally false reports may result in disciplinary action as indicated above.

For purposes of this rule, "harassment, intimidation or bullying" is defined as any intentional written, verbal, electronic or physical act that a student exhibits toward another particular student more than once and the behavior both: (1) causes mental or physical harm to the student, and (2) is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student; or (3) violence within a dating relationship.

For the purposes of this rule, "dating violence" is defined as the intentional use of physical, sexual, verbal, or emotional abuse by a person to harm, threaten, intimidate, or control another person in a dating relationship. Dating violence is a pattern of coercive behavior that one partner exerts over the other for establishing and maintaining power and control.

"Electronic act" means an act committed using a cellular telephone, computer, pager, personal communication device, or other electronic communication device.

**Rule 20 – Extortion**

A student shall not extort or cause others to extort money or personal property from other students or school personnel.

**Rule 21 - Narcotics, Alcoholic Beverages, Drugs, Counterfeit or Look-Alike Drugs and Drug Paraphernalia**

A student shall not possess and shall not receive, buy, use, transmit, sell, or be under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, medical marijuana, alcoholic beverage, controlled substance, any illegal mind-altering substance, inhalant or intoxicant of any kind.

A student shall not possess and shall not receive, buy, use, transmit, sell, or be under the influence of any counterfeit or look-alike-controlled substance. A counterfeit or look-alike-controlled substance is any substance that is made to look like a controlled substance or is represented to be a controlled substance or that a student believes to be a controlled substance.

Except as legitimately provided for in Policy, a student shall not buy, sell, transfer, possess, or use any drug, medication, inhalant or other substance which can be taken internally where the student or students involved cannot show a legitimate health or other reason for the use of such substances.

Drug paraphernalia shall not be worn, carried, or brought to school or school events.

Students found to be in violation of this rule shall be expelled or suspended unless an alternative to expulsion is determined for a first-time offender pursuant to Policy.

**Rule 22- Acts of Immorality**

Possession of indecent, obscene or pornographic matter is prohibited. Possession includes accessing indecent, obscene or pornographic material via a personal communications device, laptop, computer, tablet or gaming device on school property. Engaging in sexual acts, displaying excessive affection, or other inappropriate behavior with a person of the same or opposite sex is prohibited.

**Rule 23 – Fighting**

Students shall not engage in intentional efforts to cause physical harm to a student or staff member. Neither shall students intentionally incite another student to engage in willful physical conflict or combat.

## **Rule 24 – Direct Threat**

Students shall not intentionally commit or promote any act or expression of a threatening nature directed to any individual or group of teachers, other staff members, students or other groups at school.

### **Level III Disciplinary Options**

Disciplinary options or responses to Level III offenses as determined by the administrator may include, but is not limited to any of the previous (Level II) options as well as:

- Suspension
- Removal to a disciplinary alternative placement program (APP)
- Serious or repeated Level III misbehavior may result in a more serious consequence or treated as a Level IV offense
- Another appropriate disciplinary option or logical consequence determined by the administrator

The administrator will determine the length of the suspension or removal on a case-by-case basis.

### **Level IV Offenses**

## **Rule 25 - Weapons and Dangerous Instruments**

A student shall not possess, handle, transport, carry, use, conceal, or transmit any objects that can reasonably be considered a weapon, a firearm (including any object represented as a firearm or made, construed, or altered so that, to a reasonable person without specialized training in firearms, the object appears to be a firearm), a knife, or other dangerous object of no reasonable use to the student.

Any student who is determined to have brought to school or to a school-related activity a firearm or knife as defined below shall be expelled for not less than one year, subject to reduction of this term by the Superintendent on a case-by-case basis. The Superintendent, in determining the term of expulsion on a case-by-case basis, shall consider all the relevant facts and circumstances, including (a) applicable Ohio or federal laws, (b) the student's disability, and (c) extent of culpability of the student. The Superintendent shall notify the appropriate criminal justice or juvenile delinquency authorities of these determinations.

This rule incorporates 18 U.S.C. §§ 921 et seq. which defines "firearm" as "(A) 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; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. (4) The term 'destructive device' means (A) (i) bomb, (ii) grenade, (iii) rocket having a propellant charge of more than four ounces, (iv) missile having an explosive or incendiary charge of more than one-quarter ounce, (v) mine, or (vi) device similar to any of the devices described in the preceding clauses."

For the purposes of this rule, a “knife” is defined as any device consisting of a sharp blade two and a half (2.5) inches or longer in length, whether or not fastened to a handle, designed or intended for use as a cutting instrument.

For the purposes of this rule, a “dangerous object” is defined as a device which is or may be used to cause harm to another person, including but not limited to a club, chain, razor or other sharp blade less than two and a half (2.5) inches in length, metal knuckles, noxious irritants, chemicals, or explosive or incendiary device.

Notification to Parents and Students

Parents and students are annually given a copy of the standards of conduct and the statement of disciplinary sanctions required. The notice to parents and students indicates that compliance with the standards of conduct is mandatory.

Policy References:

Legal References: ORC §§ 3313.20, 3313.534, 3313.66-3313.662, 3321.13

OAC§ 3301-35-03

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