EXHIBIT A

CODE OF CONDUCT/ SUSPENSION, EXPULSION, REMOVAL, AND PERMANENT EXCLUSION POLICY

Students are expected to conduct themselves in such a way that they respect and consider the rights of others. Marion Preparatory Academy ("School") students must conform with school regulations and accept directions from authorized school personnel. The School 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 Conduct applies to any student, whether or not the student is enrolled at the School, attending or otherwise participating in any curricular or extra-curricular program provided in a school operated by the Board or provided on any other property owned or controlled by the Board. The Code of Conduct also applies while a student is in the custody or control of the School, on School grounds or close thereto, while at a School-sponsored function or activity or on "School provided transportation" (as herein defined). In addition, this 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 the educational processes of the School.

Students and parents shall be provided annually (at the beginning of the school year or upon enrollment in the School) 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 this student Code of Conduct and the fact that any violations of the student code of conduct are punishable. This Code of Conduct / Suspension, Expulsion, Removal and Permanent Exclusion Policy shall be posted in a central location in the School and also made available to students and parents upon request.

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 will cooperate in any prosecution pursuant to the criminal laws of the State of Ohio and local ordinances.

Students' basic constitutional rights to speak and express opinions, even if they are unpopular, will be respected. When misconduct occurs, each student will have due process rights under the law.

The teacher is the key figure in school discipline. The teacher is expected to make every effort to handle the usual problems in maintaining classroom discipline. When a disciplinary problem becomes acute enough to involve the school administrator, then the teacher should seek the assistance of the school leader (hereinafter "school leader" or "principal"). Under these circumstances, both the teacher and the school leader will give due process rights to the student.

Levels of Offenses

Truancy and chronic absenteeism are addressed separately from these levels of offenses. Acts of misconduct that are not specifically attendance-related are categorized into the following four levels of offenses:

A. Level I: Violation of general classroom, bus or school rules – Level I consists of minor offenses that generally occur in the classroom, on school provided transportation ("school provided transportation" is defined to includes school buses and other vehicles supplied by the School for student transportation), or on school premises and can be corrected by the teacher, the driver or school leader.

B. Level II: Conduct requiring administrative intervention – Level II consists of offenses that are more serious in nature or persistent, repeated, or serious Level I misconduct.

C. Level III: Suspension and/or removal from the classroom to an alternative learning environment – Level III consists of offenses that significantly disrupt the educational process, school environment, and/or school-related activities, including school provided transportation, or persistent, repeated, or serious Level I or II misconduct.

D. Level IV: Expulsion and/or removal from the classroom to an alternative learning environment – 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 school provided transportation 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 School. 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.

(A) When a student is at school, participating in School activities or at School-sponsored events, his/her dress and grooming must not:
- I. Present a health or safety hazard to the student or to others in the School or attending the School-sponsored activity;
- II. Materially interfere with school work, create disorder, or disrupt the educational environment;
- III. Cause excessive damage or wear-and-tear to School property; and/or
- IV. Keep the student from participating safely in his/her own education.

(B) To facilitate a consistent pattern of application of the student dress code, the following standards shall be applied:
- I. 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;
- II. 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;

III. 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;
IV. 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.);*
V. 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;
VI. Facial hair must be kept neat and clean;
VII. Recreational head coverings and sunglasses should not be worn inside any building; and
VIII. Appropriate footwear must be worn to provide for safe and sanitary conditions.

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

(D) 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 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. Note: No student will be suspended or expelled solely for tardiness or absenteeism though students may be subject to other disciplinary actions and/or required to participate in one or more absence intervention program(s).

Rule 3: Student Drivers. To promote safety and enable the School to effectively supervise students immediately before and immediately after School hours, only students who secure a valid School parking permit are allowed to park on School property.

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 will include one or more of the following:

A. Verbal correction
B. Teacher-student conference
C. Student-counselor conference
D. Teacher-parent conference
E. Behavioral probation
F. Detention (maintained by teacher before or after school or during recess)
G. Parent shadowing
H. Restriction of transportation privileges by the school leader
I. Other appropriate disciplinary action
J. Serious, persistent, or repeated violations may be treated as Level II or III infractions

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. A student shall not use or possess tobacco or any tobacco products such as cigarettes, cigars, dip, chewing tobacco, *etc.*

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 or of visitors to the School.

Rule 10: Insubordination. A student shall not repeatedly violate rules or fail to comply with directions of teachers, student teachers, substitute teachers, teacher aides, drivers of school provided transportation, principals, or other authorized school personnel.

Rule 11: Violation of Ohio Criminal, Traffic, or Juvenile Code. Commission by a student of any act 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 School's computer network. Students shall abide by the School's Network Acceptable Use Policy and any school or classroom rules for network access.

Rule 13: Electronic Communication Devices (EDC). "Electronic communications device" means any device that is powered by batteries or electricity and that is capable of receiving, transmitting, or receiving and transmitting communications between two or more persons or a communication from or to a person. This includes, but is not limited to, personal cell phone, smart watches, tablets, and any other device that meets the aforementioned definition.

In accordance with the Board approved Cell Phone Policy students are prohibited from using electronic communication devices at all times on school property during school hour. Notwithstanding the foregoing, Students may possess and use ECDs on School property and at School-sponsored curricular and extra-curricular activities when specifically permitted by staff or administration of the School. Such use shall not create a distraction, disruption, or otherwise interfere with the educational environment. Authorized student use of ECDs shall include the following:

A. 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.

Students shall keep their cell phones/electronic communication devices in a secure place, such as the student's locker, a closed backpack, or a storage device provided by the school, at all times when cell phone use is prohibited.

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.

Level II Disciplinary Options

Disciplinary options or responses to Level II offenses will include any of the previous (Level I) options and/or one or more of the following:

A. Parental contact by phone and written or oral notification to parent or guardian
B. Behavioral probation
C. Administrator/ school leader/ teacher/student conference
D. Detention
E. Parent shadowing
F. Exclusion from extracurricular activity
G. Mediation
H. Behavioral contract
I. Confiscation
J. Temporary removal of the student from the classroom
K. In-school suspension
L. Friday/Saturday school
M. Suspension of transportation privileges
N. Monetary restitution for damages
O. Report to Juvenile Court and/or Bureau of Motor Vehicles
P. Another appropriate disciplinary option or logical consequence determined by the school leader
Q. Serious, persistent, or repeated Level II misbehavior may result in a more serious consequence, including, but not limited to, any disciplinary option for a Level III offense or expulsion

Level III Offenses

Rule 15: Disruption of School. A student shall not by use of violence, force, noise, coercion, threat, intimidation, fear, passive resistance, or any other conduct intentionally cause the substantial and material disruption or obstruction of any lawful mission, process, or function of the School. Disruption will include, among other things as determined by the school leader, threats to shoot someone or to cause a mass shooting event.

Rule 16: 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, but not limited to, that of other students, teachers, administrator, other school employees, and visitors.

Rule 17: Discrimination and Harassment. No student shall harass or discriminate against any student, employee or other person on the basis of race, color, national origin, citizenship status, religion, sex, economic status, marital status, pregnancy, age or disability. 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 his or her teacher or to the School Principal.

Rule 18: 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 school provided transportation, 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 the student has been or is the victim of behavior prohibited by this Rule should immediately report the situation to the student's teacher or to the School Principal. The student may also report concerns to other teachers and 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 pursuant to Board Policy controlling such investigations. 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 (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 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.

Rule 19: Extortion. A student shall not extort or cause others to extort money or personal property from other students or School personnel.

Rule 20: 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, 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 controlled substance. A counterfeit 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 suspended or expelled.

Rule 21: Acts of Immorality. Possession of indecent, obscene or pornographic matter is prohibited. Engaging in sexual acts, displaying excessive affection, or other inappropriate behavior with a person of the same or opposite sex is prohibited.

Rule 22: 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 23: 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 will include any of the previous (Level II) options as well as:

A. Out-of-school suspension
B. In-school suspension
C. Removal from the classroom to an alternative learning environment
D. Serious or repeated Level III misbehavior may result in a more serious consequence, including but not limited to expulsion
E. Another appropriate disciplinary option or logical consequence determined by the administrator.

Level IV Offenses

Rule 24: 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.

1. Any student who is determined to have brought a firearm as defined below to School or onto other property owned or property controlled by the School **shall** be expelled for one (1) year. The Principal or Superintendent may reduce this action on a case-by-case basis in accordance with this policy. An expulsion under this paragraph shall extend into the following school year.

2. Any student who is determined to have brought a firearm to an interscholastic competition, an extracurricular event, or other school program or activity that is not located on school property or property controlled by the school, **may** be expelled by the superintendent for a period of one (1) year. The superintendent may reduce this action on a case-by-case basis in accordance with a policy established by the Board. An expulsion under this paragraph shall extend into the following school year.

3. A student who possesses a firearm at School, on property controlled by the school, or at any interscholastic competition, extracurricular event or school-related activity shall be expelled by the superintendent for a period not to exceed one (1) year, subject to reduction of this term by the Principal or Superintendent on a case-by-case basis. An expulsion under this paragraph may be extended by the superintendent into the following school year.

4. A student who possesses a knife or dangerous object capable of causing serious bodily injury at school or on property controlled by the school or to any interscholastic competition, an extracurricular event or school activity sponsored by the School with intent to use such knife or dangerous object to cause injury or damage to another person or to property shall be expelled by the superintendent for a period not to exceed one year. An expulsion under this paragraph may be extended by the superintendent into the following school year.

"Firearm" shall have the same meaning as provided in the "Gun-Free Schools Act," 115 Stat. 1762, 20 USC 7151.

"Knife" shall be defined as any device consisting of a sharp blade three (3) inches or longer in length, whether or not fastened to a handle, designed or intended for use as a cutting instrument.

"Dangerous object" shall be 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 three (3) inches in length, metal knuckles, noxious irritants, chemicals, or explosive or incendiary devices.

Rule 25: Bomb Threat. A student who makes a bomb threat to a school building or to any premises at which a school activity is occurring at the time of the threat shall be expelled for a period of one year, subject to reduction of this term by the Principal or Superintendent on a case-by-case basis. Any expulsion for a violation of Rule 25 shall extend into the school year following the school year in which the incident took place.

Rule 26. Criminal Act Resulting in Physical Harm. A student who commits an act that is a criminal offense when by committed by an adult and results in serious physical harm to person(s) or property while the student is at school, on any other property owned or controlled by the Board or at any school-related activity or extracurricular event, may be expelled by the superintendent for a period up to one (1) year, subject to reduction of this term by the Principal or Superintendent on a case-by-case basis. Any expulsion for a violation of Rule 26 shall extend into the school year following the school year in which the incident took place.

Suspension

I. General

The School Leader will determine the length of the suspension (up to ten days) and whether the suspension will be served in-school or out-of-school on a case-by-case basis.

The parameters for completing and grading assignments missed because of a pupil's suspension are as follows:

1. The pupil shall have an opportunity to do both of the following:
    a. Complete any classroom assignments missed because of the suspension;
    b. Receive at least partial credit for a completed assignment.

2. This policy permits grade reductions on account of the pupil's suspension subject to the approval of the Principal or Superintendent.

3. This policy prohibits the receipt of a failing grade on a completed assignment solely on account of the pupil's suspension.

Generally, students in grades pre-kindergarten through three (3), shall not be given out-of-school suspensions. An out-of-school suspension may be imposed upon students in grades pre-kindergarten through three (3) for violating Rules 24, 25, or 26. Also, students in grades pre-kindergarten through three (3) may be given an out-of-school suspension as necessary to protect the immediate health and safety of the student, classmates, and teachers and staff. Whenever possible, the School Leader shall consult with a mental health professional before suspending the student. If the events leading up to the suspension indicate a need for additional mental health services, the School Leader or mental health professional shall, in any manner that does not result in a financial burden to the School, assist the student's parent or guardian with locating or obtaining those services, including referral to an independent mental health professional.

Any student suspended is not permitted to participate in any extracurricular activities.

II. In-School Suspensions

If a student is issued an in-school suspension, the School Leader will ensure the student is serving the suspension in a supervised learning environment. Notification of an in-school suspension shall be given to the student and the students' parent, guardian, or custodian in the same manner as other forms of discipline.

III. Out-of-School Suspension Procedure

The following procedure does not apply to in-school suspensions.

The School Principal or Administrator may only issue an out-of-school suspension by using the following procedure. Prior to the imposition of the suspension:

a. A written notice of intent to suspend will be given to the student, which contains the following:
    i. The reason for the intended suspension; and
    ii. If the suspension is based on one of the serious criminal offenses listed in Ohio Revised Code 3313.622(A) for which permanent exclusion is allowed, and if the student is age 16 or older, the notice must also indicate the possibility that the School Principal may seek permanent exclusion.
b. The student must be allowed an informal hearing before the School Principal or designee to challenge the reasons for the intended suspension or otherwise explain his/her actions. The student is not entitled to call witnesses at the informal hearing.
c. After the informal hearing the student shall be given notice of their suspension and rights during suspension. This includes the following:
    i. Notification of the right to appeal to the Board or its designee. The notice must also explain that the intent to appeal must be in writing and received by the Board within 14 days after receiving the notice;
    ii. The right to representation at all appeal proceedings;
    iii. The right to an appeal hearing before the Board or its designee to be heard against the suspension
    iv. The right to request that the hearing be held in executive session;
d. For the purposes of this section the Board Designee for an appeal hearing can be any of the following:
    i. Superintendent
    ii. Principal
    iii. Assistant Principal
    iv. Other Qualified Individual

If the hearing is before the Board, it shall be held in a public meeting. The Board, upon request of the appellant, may hold the hearing in executive session, but its decision may only be made at a public meeting. The Board, by a majority vote of its full membership, or the Board's designee, may affirm the suspension, reinstate the student, or otherwise reverse, vacate, or modify the order. A verbatim record of the hearing is to be made. The decisions of the Board or its designee may be appealed under Chapter 2506. of the Ohio Revised Code.

If an out of school suspension is imposed during the last ten (10) days of the academic year, the suspension will not be carried over into the following year. However, the superintendent may require the student to participate in a community service program or another alternative consequence (the school leader is to prepare a list of alternative consequences) for the number of hours equal to the remaining part of the period of suspension. The student shall begin the community service or alternative consequence during the first full week day of summer break. If the student does not complete the assigned community service or alternative consequence, the school may determine its next course of action, which shall not include the student serving the remaining time of the out-of-school suspension at the beginning of the following school year.

Expulsion

I. General

Except as provided under *Level IV* offenses above, the term of a student expulsion shall be limited to the greater of 80 days or the number of school days remaining in the semester or term in which the incident giving rise to expulsion occurs. In the event that the term of expulsion exceeds the number of school days left in the school year, the Superintendent may apply all or any part of the period of expulsion to the following school year.

Mitigating Circumstances: The School Superintendent shall consider, on a case-by-case basis, all of the relevant facts and circumstances of the misconduct underlying the expulsion including (a) applicable Ohio or federal laws, (b) the student's disability, and (c) extent of culpability of the student. The Principal of Superintendent may reduce the period of expulsion if, in the judgment of the Principal or Superintendent:

A. The student has not engaged previously in other serious misconduct, whether or not similar to the misconduct underlying the expulsion;
B. The misconduct was committed under circumstances not likely to reoccur;
C. The student shows genuine remorse for the misconduct; and
D. The student is not likely to engage in further serious misconduct.

The Principal shall notify the appropriate criminal justice or juvenile delinquency authorities of these determinations. In the event the School or Principal later determines that such notification was in error or that the determinations reflected in the notifications have changed, the Principal shall provide supplemental notice of such error or change in the same manner.

Generally, students in grades pre-kindergarten through three (3), shall not be expelled. An expulsion may be imposed upon students in grades pre-kindergarten through three (3) for violating Rules 24, 25, or 26. Also, students in grades pre-kindergarten through three (3) may be expelled as necessary to protect the immediate health and safety of the student, classmates, and teachers and staff. Whenever possible, the School Leader shall consult with a mental health professional before expelling the student. If the events leading up to the expulsion indicate a need for additional mental health services, the School Leader or mental health professional shall, in any manner that does not result in a financial burden to the School, assist the student's parent or guardian with locating or obtaining those services, including referral to an independent mental health professional.

Any student expelled is not permitted to participate in any extracurricular activities. The Superintendent is required to initiate expulsion proceedings on expellable offenses even if the student in question withdraws from the School prior to the hearing or the decision to impose expulsion. If it is determined that the student would have been expelled had the student still been enrolled, the expulsion shall still be imposed and the requirements under this policy following the imposition of expulsion are to be followed.

II Expulsion Procedures

The following procedure is required before the student's expulsion:

1. Prior to the imposition of the expulsion, the Superintendent must provide the student and the student's parent, guardian, or custodian written notice of the intention to expel and provide an opportunity to appear in person before the superintendent or designee to challenge the reasons for the intended expulsion. The notice must include the following:
    a. The reasons for the intended expulsion;
    b. Notification of the opportunity of the student and the student's parent, guardian, or custodian, or representative to appear in person before the superintendent or designee to challenge the reasons for the intended expulsion or otherwise explain the student's actions
    c. The time and place for a hearing, which must be scheduled not less than three (3) nor more than five (5) school days after giving the notice, unless the period is extended by the Superintendent at the request of the student or the student's parent, custodian, guardian, or representative. The parent, guardian, custodian, or representative must be sent written notice of any extension, and the new time and place to appear.
    d. If the student is age 16 or older and the expulsion is for one of the serious criminal offenses listed in Ohio Revised Code 3313.622(A) for which permanent exclusion is allowed, the notice must also indicate the possibility that the Superintendent may seek permanent exclusion.

2. Within one (1) school day after the expulsion is imposed at the hearing, the Superintendent shall provide written notification to the parent, guardian, or custodian of the student and the treasurer of the Board of the expulsion. The notice must include:
    a. The reasons for the expulsion;
    b. Notification of the right to appeal to the Board or its designee. The notice must also explain that the intent to appeal must be in writing and received by the Board within 14 days after receiving the notice;
    c. The right to representation at all appeal proceedings;
    d. The right to an appeal hearing before the Board or its designee to be heard against the expulsion;
    e. The right to request that the hearing be held in executive session;
    f. Notice that the expulsion may be extended pursuant to Ohio Revised Code 3313.66(F) if the student is sixteen years of age or older;

g. If the expulsion is based on one of the serious criminal offenses listed in Ohio Revised Code 3313.622(A) for which permanent exclusion is allowed, and if the student is age 16 or older, the notice must also indicate the possibility that the School may seek permanent exclusion if the student is convicted of or adjudicated a delinquent child for the violation;
h. When the Superintendent expels a student for more than twenty (20) school days or for any period of time extending into the next semester or school year, the School shall provide, along with this notice, the student and the student's parent, guardian, or custodian, with information about services or programs offered by public and private agencies that work toward improving those aspects of the student's attitudes and behaviors that contributed to the incident giving rise to the expulsion. The notice shall include the names, address, and phone numbers of the agencies.

i. For the purposes of this section the Board Designee for an appeal hearing can be any of the following:
    i. Superintendent
    ii. Principal
    iii. Assistant Principal
    iv. Other School Qualified Individual

The Superintendent may apply any remaining part or all of the period of expulsion into the following year.

If the student's expulsion is appealed to the Board or its designee in the manner outlined in the above notice provisions, the student or the students' parent, guardian, or custodian may be represented in appeal proceedings and shall be granted a hearing; pursuant to a request, the Board may hold the hearing in executive session, but its decision may only be made at a public meeting. The Board by a majority vote of its full membership, or by action of the designee, may affirm the expulsion, reinstate the student, or otherwise reverse, vacate, or modify the order. A verbatim record of the hearing is to be made.

Emergency Removal

A student who poses a continuing danger to persons or property or an ongoing threat of disrupting academic progress in the School may be immediately removed, without notice and hearing, from curricular activities by a teacher; such student may be immediately removed, without notice and hearing, the administrator, principal, or assistant principal may remove the student from curricular activities and from the school premises. The teacher, as soon as practicable, shall submit in writing to the principal the reasons for the removal.

An emergency removal of a student in grades **pre-kindergarten through three (3)** may be for the remainder of the school day and the student shall be permitted to return to curricular and extracurricular activities on the following school day without a notice or hearing. A student in grades prekindergarten through three (3) shall not be suspended out-of-school or expelled, unless the student's conduct warranting the emergency removal is a violation of Rules 24, 25, or 26.

If an emergency removal of a student in grades **four (4) through twelve (12)** is made, the student must be provided with notice of a hearing and the reason for the removal. As soon as practicable after the emergency removal of a student, written notice shall be given to the student of the reason(s) for the removal and the date, time and place of a hearing on the removal, which hearing shall take place on the next school day after the removal. The individual who ordered, caused or requested the removal shall be present at the hearing.

Unless it is likely that the student will face expulsion for the behavior resulting in emergency removal, the hearing shall be conducted as described in the *Suspensions* section above except that the hearing shall occur on the next school day following the removal.

If it is likely that the student will face expulsion for the behavior resulting in emergency removal, the hearing shall be conducted as described in the *Expulsions* section above except that it shall occur on the next school day after the removal.

If, prior to the hearing, the student is reinstated to curricular activity by the Principal or Superintendent, the teacher supervising the student on reinstatement may request a written explanation of the reinstatement.

Permanent Exclusion

The Board may request an adjudication order of permanent exclusion of a student from the Superintendent of Public Instruction at the Ohio Department of Education on the recommendation of the Superintendent or Principal of the School. The student and student's parent, guardian, or custodian shall be notified in writing of the School's intent to recommend permanent exclusion.

A recommendation of permanent exclusion may be made by the School's Superintendent or Principal must include (A) proof that the student was sixteen (16) years of age or older at the time of the offense which resulted in expulsion and was convicted of or adjudicated a delinquent child for behavior, the commission of which as an adult would have been a violation of ORC §§ 2923.122, 2923.12, 2925.11, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2907.02 or 2907.05 or any substantially similar ordinance, (B) the written determination(s) of the Superintendent or Principal that the student's continued attendance in school may endanger the health and safety of other students or school employees, and (C) a copy of the written notice provided to the student and the student's parent or guardian of the School's intent to recommend permanent exclusion.

Within fourteen days after receipt of a recommendation of permanent exclusion from the School's Superintendent or Principal, the Board may adopt a resolution requesting an order of permanent exclusion from the Ohio Superintendent of Public Instruction. Prior to adopting such a resolution, the Board shall review and consider all of the following available information:

A. The academic record of the student and a record of any extracurricular activities in which the student previously was involved;
B. The disciplinary record of the student and any available records of the student's prior behavioral problems other than the behavioral problems contained in the disciplinary record;
C. The social history of the student;
D. The student's response to the imposition of prior discipline and sanctions imposed for behavioral problems;

E. Evidence regarding the seriousness of and any aggravating factors related to the offense that is the basis of the resolution seeking permanent exclusion;
F. Any mitigating circumstances surrounding the offense that gave rise to the request for permanent exclusion;
G. Evidence regarding the probable danger posed to the health and safety of other students or of school employees by the continued presence of the student in a public school setting;
H. Evidence regarding the probable disruption of the teaching of any school's graded course of study by the continued presence of the student in a public school setting;
I. Evidence regarding the availability of alternative sanctions of a less serious nature than permanent exclusion that would enable the student to remain in a public school setting without posing a significant danger to the health and safety of other students or of school employees and without posing a threat of the disruption of the teaching of any school's graded course of study.

If the Board does not adopt a resolution requesting an order of permanent exclusion, it shall immediately send written notice of that fact to the recommending Superintendent or Principal, the student and the student's parent, guardian, or custodian.

If the court proceeding instituted because of the offense resulting in expulsion is not concluded, and the student was 16 years of age or older at the time of the offense, the superintendent may file a motion in the court requesting an order extending the expulsion pursuant to Ohio Revised Code 3313.66(F)(1) or if the court proceedings have concluded and the school is seeking an order of permanent exclusion form the Ohio superintendent of public instruction, but the Ohio superintendent of public instruction has yet to issue an order regarding permanent exclusion, pursuant to Ohio Revised Code 3313.66(F)(2) the superintendent of the school may file a motion with the court requesting an order to extend the expulsion until the Ohio Superintendent had made a determination.

Discipline/Suspension/Expulsion of Students with Disabilities

In matters relating to the disciplining of students with disabilities, the Board of Directors shall abide by federal and state laws regarding suspension and expulsion. The School Principal will follow the guidelines below and ensure they are properly used when disciplining any student with a disability.

Removals of Not More Than 10 Days – The 10-Day Rule

The School may unilaterally remove a Student with a disability who violates a code of student conduct from the Student's current placement for not more than ten (10) school days. This option may be used only if the disciplinary action is consistent with actions taken against nonstudents with disabilities. The School may place Students removed under the 10-day rule in an appropriate interim alternative educational setting ("IAES") if applicable (see below), another setting, or suspend them. Removals under the 10-day rule are not considered a "change of placement" and the School is not obligated to provide services to Students during those removals. The School can use the 10-day rule to remove a student for either a single removal of ten (10) consecutive school days; or a series of shorter-term removals over the course of the school year that are more than ten (10) school days during that school year, so long as those removals do not constitute a pattern of removals (and therefore, a change of placement). When a removal is not a change of placement, an IEP meeting is not required.

Removals of More than 10 Days – Change of Placement

A change of placement occurs if a removal is for more than ten (10) consecutive school days; or if a student is subjected to a series of removals which accumulate to more than ten (10) school days, that constitute a pattern. This may occur for either suspensions or expulsions. If a change of placement occurs (after a Manifestation Determination Review (see below)), then the School must notify the parents, guardians, or custodian of that decision. This notice must inform the parents or guardians of all the procedural safeguards accorded under the law. These safeguards include a Manifestation Determination Review, a right to receive services, and a continuation of services for a free appropriate public education (FAPE). The School must provide services that:

- enable the student to continue to participate in the general education curriculum (although in another setting); and
- enable the student to progress toward meeting the goals set out in the Student's IEP.

Manifestation Determination Review ("MDR")

Before imposing disciplinary consequences that would amount to a change of placement, the School will conduct an MDR to examine a Student's behavior. The purpose of the MDR is to determine whether a Student's disability caused, influenced or otherwise impacted the Student's behavior in question. To make this determination, the Student's IEP team is required to review certain information and determine whether the behavior causing the disciplinary infraction is or is not a manifestation of the Student's disability.

No later than the date on which the decision to take a disciplinary action which may be a change of placement is made, the School must notify the parents or guardians of that decision and of all procedural safeguards, including the MDR. The School and the parents or guardians must determine which members of the IEP team are relevant to conduct the manifestation determination. The team will review all relevant information in the Student's file to determine (1) whether the conduct in question was caused by, or had a direct and substantial relationship to, the Student's disability or (2) was the direct result of the School's failure to implement the IEP. If the team determines that either condition is applicable for the Student, it must determine that the conduct is a manifestation of the Student's disability.

Manifestation – If the team determines that the behavior was a manifestation of the student's disability, the full IEP team must then:

- conduct a functional behavior assessment and implement a behavior intervention plan for the student, unless the School conducted a functional behavior assessment prior to the manifestation determination;
- if the IEP team already developed a behavior intervention plan, it must review and modify the plan as necessary to address the behavior; and
- return the Student to the placement from which he or she was removed.

No Manifestation – If the team determines that the behavior was not a manifestation of the disability, the School may discipline the Student using the relevant disciplinary procedures applicable to Students without disabilities in the same manner and for the same duration, continuing to provide services to Students with disabilities.

If a student's behavior was not a manifestation of the disability, the School will still take steps to attend to the Student's behavior. The student must receive, as appropriate, a functional behavior assessment, behavioral intervention services, and modifications designed to address the behavior violation in order to attempt to prevent a reoccurrence.

Exceptions to the MDR Requirement – The Unilateral Change in Placement and 45-Day Rule

School personnel may remove a Student to an IAES for up to forty-five (45) school days, without a prior MDR or IEP meeting, when a student:

- carries or possesses a weapon (a device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except that the term does not include a pocket knife with a blade of less than 2 1/2 inches in length);
- knowingly possesses or uses illegal drugs (a controlled substance not legally possessed or used under the supervision of a licensed health care professional, or legally possessed or used under any other authority under the Controlled Substances Act (21 U.S.C. 812) or under any other provision of federal law), or sells or solicits the sale of a controlled substance (a drug or other substance identified under Schedule I, II, III, IV or V in the Controlled Substances Act); or
- has inflicted serious bodily injury on another person (a cut, abrasion, bruise, burn or disfigurement, physical pain, illness, impairment of the function of a bodily member, organ or mental faculty, or any other injury, no matter how temporary).

This authority can be exercised if a student commits any of the offenses described above at the School, on the School premises, or at a School function.

The IEP team will meet subsequent to the unilateral placement in an IAES and must:

- determine what the permanent setting will be,
- take steps to modify the student's IEP, as appropriate,
- provide appropriate behavioral intervention services and modifications designed to address the behavior violation so that it does not recur, and
- continue to provide the student with educational services to enable him or her to participate in the general education curriculum and to progress toward IEP goals.

The School must still conduct an MDR, but it can occur after the removal to the 45-day setting. If the conduct is a manifestation of the student's disability, the School must still meet all of the requirements outlined above for the MDR, with the additional exception that the Student stay in the alternative placement for 45 school days, regardless of the outcome of the manifestation.

Due Process Complaint

Parents or guardians who disagree with any decision regarding placement or the outcome of an MDR may appeal the decision through the filing of a due process complaint and may request an expedited due process hearing.

The School may request a hearing to change a Student's placement if the School believes that maintaining the Student's current placement is substantially likely to result in injury to the student or others. Under those circumstances, the hearing officer may order a change in placement of a student with a disability to an IAES for a period of up to forty-five (45) school days if the hearing officer agrees with the School's assessment.

During any due process proceedings, the student's placement, through a disciplinary action, must not change unless the parents/guardians and the School agree otherwise, or upon admissions to the School and parent/guardian consent.

In the case where a student has been placed in an IAES, the Student will remain in the IAES chosen by the School, pending the hearing officer's decision or until the time period expires, whichever occurs first, unless the Parent and School agree otherwise. An expedited hearing will be arranged during an IAES appeal and will occur within twenty (20) days of the hearing request, and the hearing officer must make a determination within ten (10) school days after the hearing.

Disciplining a 504 Student

Section 504 Manifestation Determination Reviews

A Student on a 504 Plan is to be afforded due process relating to any proposed change in educational placement where the student is subject either to expulsion or suspension for a period of more than ten (10) consecutive school days or a series of suspensions that are each ten (10) or fewer school days in duration, but exceed ten (10) school days in the aggregate and create a pattern of exclusions. In all such cases, except in the case where such suspension or expulsion pertains to the use or possession of illegal drugs or alcohol as detailed below, the School shall follow the procedures pertaining to discipline/suspension/expulsion of students with disabilities.

Disciplinary Procedures for Students Possessing or Using Alcohol or Illegal Drugs

The School may take disciplinary action pertaining to the use or possession of illegal drugs or alcohol against any Student on a 504 Plan who currently is engaging in the illegal use of drugs or in the use of alcohol to the same extent that such disciplinary action is taken against students without disabilities.

Emergency Removal from Placement

Emergency removal of a 504 student from his/her current placement may take place through parental agreement to an interim placement or through injunctive relief from a court, when the current placement presents a substantial likelihood of resulting in injury to the student or others.

LEGAL REFS:
Gun Free Schools Act, 115 Stat. 1762, 20 U.S.C. 7151
29 USC 701
Section 504 of the Rehabilitation Act of 1973

ORC §§ 2923.122, 2923.12, 2925.11, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2907.02, 2907.05, 3301.121, 3313.66, 3313.661, 3313.662, 3313.668, 3314.03

OAC § 3301-18-301