

AKRON PUBLIC SCHOOLS

CODE OF STUDENT BEHAVIOR

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STUDENT RIGHTS AND RESPONSIBILITIES

All students have the right to an education. That right carries with it responsibilities: primarily, to respect the rights of others. That right carries with it responsibilities which include trustworthiness, respect for self and others, responsibility, fairness, caring and good citizenship.

The rights of all students are best served in a school that is well organized, safe, and maintains a positive climate for learning. When inappropriate student behavior, disorder or demonstration disrupts effective learning conditions, students may be denied participation in the educational system for varying periods of time. Students have the right to pursue their education in an environment free from sexual and other forms of harassment/hazing either from students or staff.

Students also have the right to appropriately communicate grievances without threat to grades, course credits, college recommendation or other aspects of scholastic life. Clearly stated rules and regulations ensure that all students know what is expected of them. The *Code of Student Behavior* that follows, establishes rules and regulations and the consequence of failure to obey.

Parents are encouraged to carefully read the Code and review it with their children.

ADMINISTRATIVE REMOVAL FROM SCHOOL

Sections 3313.66, 3313.661 and 3313.662 of the Ohio Revised Code grant school authorities the right to remove students from school for violations of the *Code of Student Behavior*. Students may be suspended for up to ten (10) days by the superintendent of schools or by any administrator. Only the superintendent of schools may expel students for periods not extending beyond eighty (80) days, for persistent or flagrant violations under the Code. The superintendent shall expel for one calendar year or longer any student bringing or possessing a firearm (as defined in the Federal Gun-Free Schools Act of 1994) on school property, in a school vehicle, or to/at any school-sponsored event.

The superintendent, principal, or assistant principal may remove a student from a classroom, activity, or school premises without prior notice or hearing, if the student's presence poses a continuing danger to persons or property, or an ongoing threat of disrupting the educational process. A teacher, including classroom teachers, counselors, program managers, and attendance coordinators may also remove a student under these circumstances from curricular or extra-curricular activities under his/her supervision.

A student may be suspended or expelled for violations of the Code that occur on school property, at school-sponsored activities on or off school property, or on the way to or from school or school-sponsored activities. Discipline may be imposed for: 1) certain criminal or delinquent acts which occur outside the school day; 2) misconduct by a student that occurs off of district property, but is connected to activities or incidents that have occurred on district property; and, 3) misconduct by a student that, regardless of where it occurs, is directed at a district official or employee or the property of an official or employee.

LIMITATIONS ON THE DISCIPLINING OF STUDENTS WITH DISABILITIES

A student with disabilities is one whose education is governed by an Individualized Education Plan (IEP). Unless their IEP's provide otherwise, students with disabilities may be suspended for a period not to exceed ten (10) days per year without a manifestation determination hearing and/or Behavior Intervention Plan. All students with disabilities are subject to removal on an emergency basis as described on this Code. Repeated violation of the Code may indicate that a change in the student's placement or IEP is necessary.

RULES AND REGULATIONS FOR THE BEHAVIOR AND DISCIPLINE OF STUDENTS

Teaching personnel are responsible for managing student behavior and handling discipline problems that occur within their range of responsibility. Teachers may call on other school personnel to help in discharging their responsibilities. They may refer students to the building administrator who is then responsible for determining further disciplinary action.

An administrator may deal with student misconduct in a variety of ways including, but not limited to: counseling, parent involvement, detention (before or after school), referral to school or other support personnel, loss of privileges, Saturday detention, suspension, and recommendation of expulsion.

CORPORAL PUNISHMENT

Under Ohio law, boards of education can establish guidelines for the administration of corporal punishment. The Akron Board of Education does not allow corporal punishment. However, teachers, administrators, certificated school employees and school bus drivers may, within the scope of their employment, use and apply force and restraint as is reasonable and necessary: • to quell a disturbance threatening physical injury to others • to obtain possession of weapons or other dangerous objects on the person or in the control of a pupil • for self-defense • for the protection of persons or property.

ATTENDANCE PROCEDURES

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Attendance procedures are intended to promote regular attendance and help students attain educational goals. High school students may not receive course credit during semesters in which they accumulate seven or more unexcused absences. Parent(s) may request a review pursuant to Board Policy 5200A.

When a student is marked absent or tardy for an excused reason, he/she is permitted to make up as much missed classroom work as is reasonably possible with the assistance of his/her classroom teachers. Students should be aware that it may not be possible to make up all classroom work.

Reasons for excused absence or tardiness include: • Personal illness or injury • Illness in the family • Funerals (of immediate family or relative) • Quarantine • Work at home due to the absence of parent/guardian • Religious holidays • Medical and dental appointments • Appointment at the Board of Education Administration Building, Mental Health or Family Counseling or Court appointments • College visitation (reasonable number and verified by parent) • Emergencies (any emergency or set of circumstances judged as sufficient cause by the school principal or the superintendent).

A student suspended from school is permitted to make up as much classroom work as is reasonably possible with the assistance of his/her classroom teachers. Students should be aware that it may not be possible to make up all classroom work. It is the responsibility of the student to initiate the request for make-up work and complete the work within a specified time.

A student's attendance record is not affected by class time he/she missed as a result of the following situations: • Field trips (authorized by the principal) • College visitations (school directed) • School activities, such as athletic team events, debate, choir, etc. which are authorized by the principal. Make-up work for this missed class time is permitted.

The student is marked absent or tardy (unexcused) and the student is not permitted to make up classroom work for reasons such as: • Oversleeping • Hunting, fishing, or similar reasons • Shopping trips • Truancy or "flicking".

Court charges may be filed against the parent and student of chronic truants.

The principal is the final authority in determining whether an absence or tardy is excused or unexcused.

When a student is absent or tardy, it is the obligation of the parent, guardian, or custodian to report the absence and the reason for the absence or tardiness. This may be done by phone, written note, or any other means acceptable to the student's school.

Calamity Days (Weather Related Concerns): When school is closed due to the weather, all activities are canceled. Suspension days will be forwarded and must be served after school reopens.

PROCEDURES FOR SUSPENSION AND EXPULSION

1. No student may be suspended unless:
 - The student is given prior written notice of the intention to suspend and the reasons for the intended suspension.
 - The student is provided an opportunity to appear at an informal hearing before the building principal, unit principal, assistant principal, superintendent, or superintendent's designee to challenge the reason for the intended suspension or otherwise to explain his or her actions. This opportunity may be granted immediately upon the giving of written notice of the intended suspension.
2. No student may be expelled unless:
 - The student and his/her parent, guardian, or custodian are given prior written notice of the intention to expel the student. The notice shall include the reasons for the intended expulsion and notification of the opportunity of the student and his/her parent, guardian, custodian, or representative to appear before the superintendent or his designee, to challenge the reasons for the intended expulsion or otherwise to explain the student's action, together with notification of the time and place to appear.
 - The time to appear shall be not earlier than three (3) nor later than five (5) days after the notice is given, unless the superintendent grants an extension of time at the request of the student or his/her parent, guardian, custodian, or representative. If an extension is granted after giving the original notice, the superintendent shall notify the student and his/her parent, guardian, custodian, or representative of the new time and place to appear.
3. If a student is removed on an emergency basis, as described in this Code (see paragraph two under Administrative Removal From School) written notice of the hearing and of the reason for the removal shall be given to the student as soon as practicable prior to the hearing. The hearing shall be held within three school days from the time the initial removal is ordered.
4. Within twenty-four (24) hours after the time of a student's expulsion or suspension, the superintendent or principal, assistant principal or other administrator shall provide written notification of the suspension or expulsion to the parent, guardian, or custodian of the student, and the Treasurer of the Board of Education. The notice shall include the reasons for the expulsion or suspension and notification of the right of the student or his/her parent, guardian, or custodian:
 - to appeal such action to the Board of Education through its designee,
 - to be represented in all such appeal proceedings,
 - to be granted a hearing before the designee of the Board in order to be heard against such suspension or expulsion,
 - and to request that such hearing be held in executive session. Any such appeal must be filed with the Office of Student Services, 70 North Broadway, in writing within ten (10) days after the notice of suspension or expulsion has been issued. An appeal will not delay the start of the suspension.

5. The duration of an expulsion is based upon the nature of the offense, and student history. A review of each case is coordinated through the Office of Student Services and may include the Expulsion Review Committee.

Students who have been suspended or expelled from school are not permitted on any school property or at any school-sponsored event for the duration of such disciplinary action. Students who are suspended and enter school property, or attend a school-sponsored event will be subject to further disciplinary action.

DEFINITION: WEAPON AND USE OF WEAPON

As used in the *Code of Student Behavior*, "weapon" is defined as any device that by its design may be used for offensive or defensive purposes. Examples are: firearms; guns (air or gas); knives, defined as any edged instrument regardless of blade length; picks; saps; martial arts instruments, aerosol propellants such as pepper spray or mace and the like; stun guns and the like.

As used in the *Code of Student Behavior*, the "use of a weapon" shall include, not only use of items defined as a weapon, but shall also include look-alike weapons and/or any device which has been converted for use or threatened use as a weapon. Examples are: assault or threatened assault of another with items which have other primary purposes such as a chair, choke chain, pencil or pen, a hammer, an aerosol of hairspray, deodorant or perfume, a rock or stick. The examples given are not exhaustive, but only representative.

PROFICIENCY TEST SECURITY

The Ohio Proficiency Test shall not be copied or reproduced, and punishment is subject to the rules of the Ohio Revised Code.

ASSAULTS ON STAFF MEMBERS

A student found to have committed a physical assault on a staff member will be subject to expulsion followed by building reassignment. After an investigation, a student found to have committed a verbal assault (abusive or threatening language directed at a staff member) will be subject to building reassignment, a suspension, or an expulsion. Building reassignments cannot be appealed. See Code Question and Answer for definitions.

DRIVING PRIVILEGES AND STUDENT BEHAVIOR

Students less than eighteen (18) who drop out of school, are habitually truant, or are suspended for the possession or use of drugs or alcohol will be reported to the Registrar of Motor Vehicles and the Summit County Juvenile Court. This will cause the student's driver's license or temporary instruction permit to be revoked. If the student has neither a driver's license nor a temporary instruction permit, he or she will not be able to obtain one.

LIABILITY OF PARENTS FOR STUDENT MISCONDUCT

Under Ohio law, parents having custody of a minor under 18 are liable for the student's willful damage to school or private property or the theft of such property. The Board of Education, or any other owner of property, can bring a civil action against the parents to recover compensatory damages as specified by Ohio Revised Code and costs of the suit. Parents also are liable for the student's willful assaults on another person. The injured party may bring civil action against the parents to recover compensatory damages as specified by the Ohio Revised Code, and costs of the suit.

SEARCH AND SEIZURE

The Akron Board of Education, or its designee, reserves the right to search the lockers, desks, person and personal belongings of a student when it is believed to be necessary for the maintenance of the educational process; to protect the health, safety, or welfare of other students, or whenever there are reasonable grounds for suspecting that such a search will turn up evidence that the student has violated or is violating the law or rules of the school. If possible, the student's consent prior to the search will be obtained. Students should be aware that their lockers, desks, persons, and personal belongings are subject to such searches. The Board has adopted a Weapon Detection Program permitting the use of metal detectors and drug dogs in secondary schools on a random basis. Students are subject to the penalties as outlined in the *Code of Student Behavior*.

STUDENT INTERVIEW OR INTERROGATION

Criminal investigation of students on school premises by the Akron Police or other law enforcement officers is permitted in the following situations:

1. To question a student, but only if the child's parent is present, or the parent has given permission to the principal for the interrogation to occur. School personnel will not be present during the interrogation.
2. To investigate a case of suspected child abuse reported by a teacher or administrator.
3. To pursue and arrest a lawbreaker or cope with conditions of riot or disorder or to serve legal documents.
4. To conduct an investigation at the request of school officials and with the permission of the superintendent of schools.

Additional questions about the *Code of Student Behavior* may be directed to the following Akron Public School staff: Charles Rowles, Director, Student Services and Security, 330 - 761-2734.

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The Akron Board of Education does not unlawfully discriminate on the basis of sex, age, race, color, religion, disability, political affiliation, or national origin in employment or in its educational program and activities.

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Listed below are the penalties for violations of the Akron Public Schools *Code of Student Behavior*. There are three types of penalties listed for Code violations. 1. Offenses calling for a mandatory recommendation for expulsion will result in a hearing to consider whether an expulsion should occur. Expelled students will be out of school for up to eighty (80) school days, or longer for violations of Gun-Free School Act of 1994. 2. Those offenses that are listed as requiring a mandatory suspension will cause a student to be suspended from school for one (1) to ten (10) days, or possibly expelled. 3. Those offenses that are discretionary may be penalized by expulsion, suspension, or lesser penalties. Specific penalties for these offenses may be established at the building level.

VIOLATION		Mandatory Recommendation	Mandatory Suspension	Suspension/Expulsion/ Lesser Penalty
		for Expulsion		
1A.	Bringing or possessing a firearm (as defined in the federal Gun-Free Schools Act of 1994) on school property, in a school vehicle or to/at any school-sponsored event is a mandatory expulsion for not less than one calendar year.	X		
1B.	Possession of a weapon or use of a weapon against another person. (See definition of weapon on last page.)	X		
1C.	Bringing or possessing a large knife (over 2 ½ inch blade).	X		
2.	Selling, attempting to sell, or giving controlled substances, dangerous drugs, counterfeit drugs, intoxicating substances or alcohol. These infractions may be reported to the police.	X		
3.	Setting or attempting to set a fire.	X		
4.	Physically assaulting a staff member. This infraction may be reported to the police.	X		
5.	Persistent or flagrant violation of the CODE OF STUDENT BEHAVIOR following transfer to a new school setting for adjustment reasons.	X		
6.	Verbal assault on a staff member (abusive or threatening language). See consequences of assault on last page.			X
7.	Extortion.		X	
8.	Gambling.		X	
9.	(Code #9 not in use.)		X	
10.	Falsifying: a report against a staff member, other students, parent(s), guardian(s), a witness statement, providing false identification and/or forgery.		X	
11.	Setting a false alarm, filing a false bomb report, or making a false report to any agency which provides emergency services.		X	
12.	Smoking or using tobacco.		X	
13.	Possessing, concealing, or using intoxicating substances such as alcohol or drugs.		X	
14.	Intentionally or recklessly causing or threatening physical or emotional harm to another or behaving in such a manner as to present an imminent risk of such harm. (An unwarranted, unprovoked physical/sexual assault on another student may rise to the level of expulsion, up to one year.)		X	
15.	Possession of explosives or use of explosives.		X	
16.	(Code #16 not in use.)			
17.	Possession of fireworks or use of fireworks.		X	
18.	Trespassing.		X	
19.	Theft.		X	
20.	Gross insubordination--failure to comply with directions or otherwise acting in defiance of school authority after specific warning of becoming grossly insubordinate and in the presence of others.		X	
21.	Intentionally or recklessly damaging school or private property, or behaving so as to present an imminent risk of such damage. (May rise to the level of expulsion, up to one year.)			X
22.	Persistently being absent for or late for school or classes.			X
23.	Unauthorized use of school or private property, including internet access.			X
24.	Possessing counterfeit controlled substances or items used in conjunction with marijuana or illegal drugs.			X
25.	Possessing any substance containing tobacco, including items used in conjunction with tobacco.			X
26.	Refusing to accept discipline or punishment, such as failure to serve a detention or submit to other forms of punishment.			X
27.	Insubordination, such as failure to comply with directions of school personnel or otherwise acting in defiance of school authority.			X
28.	Aiding or abetting any violation of this CODE.			X
29.	Engaging in sexual activity; possession or distribution of pornographic materials.			X
30.	Using profane, vulgar, racist, sexist or other improper language or gestures.			X
31.	Hazing, harassing, bullying or threatening another student or school employee. (Bullying as stated in Board Policy 5517.01)			X
32.	Violation of individual school rules.			X
33.	Violation of individual classroom rules.			X
34.	Possession of laser pointers, beepers, cellular phones, or any electronic/communication devices may result in confiscation, if it is a school rule.			X