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*Student Rights and Responsibilities  
2009-2010 School Year*

*“The primary goal of the Cleveland Metropolitan School District is to become a premier school district in the United States of America”*

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## LEGAL REFERENCES

### Ohio Revised Code

2151.421	Child Abuse Reporting
2151.011	Habitual and Chronic Truancy
2907.01	Sex Offenses
3109.09	Damages Recoverable Against Parent of a Minor
3313.20	Authority of the Board of Education, Visits to School
3321.01	Compulsory School Age
3133.64	Free Schooling for Residents
3313.66	Suspension, Expulsion, Emergency Removal, Permanent Exclusion, Community Service
3313.751 (C)/2151.87	Tobacco
3319.41	Corporal Punishment
3321.04/3321.38	Compulsory Attendance
3719.01	Controlled Substances
4507.61	Motor Vehicles and Licensing

### City of Cleveland Ordinance

605.14	Minor Curfew
627.10	Possessing Certain Weapons at or about Public Places
864-05	Parental Duties and Possible Penalties

### Federal Law

20 U.S.C. 1232g	FERPA - Family Educational Rights and Privacy Act
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## PREFACE

The intent of this handbook is to assist students, parents, teachers and school administrators in maintaining an environment conducive to student learning and positive behavior. It is the responsibility of each student, parent, and citizen to understand that the school is a community governed by rules and regulations. The major purpose of these is not punitive control; rather, it is protection of the rights of others, and to enable all students to take full advantage of their educational opportunities.

The Cleveland Metropolitan School District recognizes that a safe and secure learning and working environment is essential to the achievement of the educational goals and objectives of the District. Accordingly, the District reaffirms its commitment to provide for the safety of students, employees, parents and all other school community stakeholders. Everyone in the Cleveland Metropolitan School District shall treat one another with respect and support, recognizing that the ultimate success of the District in educating Cleveland's children requires the efforts of each and every individual.

This code of conduct apply to all school premises; to all phases of school operations, including, but not limited to, curricular and extra-curricular activities, while being transported on a school bus or authorized transportation at any school sponsored activity; and to any other circumstances such that the conduct in question has an effect of disrupting school operations or otherwise depriving any student of educational interest of opportunities.

The Cleveland Metropolitan School District affirms its commitment to providing a quality education for all of Cleveland's children. The term "children" includes students in both elementary and secondary grades.

The Cleveland Metropolitan School District is committed to creating safe, supportive, orderly, and productive schools. The goal of the Cleveland Metropolitan School District is to support students and staff by developing positive conditions for learning. That commitment is the key to the success of the *Student Code of Conduct* and to the success of our students themselves.

The *Student Code of Conduct* is designed to clarify District policies governing the rights and responsibilities of students in the Cleveland Metropolitan School District. Students, staff, parents and others are encouraged to study, discuss, and understand the contents to ensure that such rights and responsibilities are respected and met.

Whenever the term "school" is used in this handbook it refers to all instances when the student is subject to the authority of the school. **Some examples include athletic events, school dances and field trips. Students are also under the authority of the school when traveling to and from school.**

**DIRECTORY INFORMATION OPT OUT**

**No Child Left Behind Act Summary**

The **No Child Left Behind Act (NCLB)** of 2001 is an education-reform bill that was passed by the United States Congress and signed into law by President George W. Bush in January 2002. This reauthorized the Elementary and Secondary Education Act (ESEA) and encompasses 45 programs. NCLB dramatically increases the role of the federal government in K-12 education, while continuing ESEA’s focus of increasing student achievement, improving accountability and making sure fully qualified teachers teach all children. Parents have the right to request information about the qualifications of their child’s teacher and any paraprofessionals who work with their child. For more information, please contact the principal of your child’s school.

These goals are not new to the Cleveland Metropolitan School District. It is our vision that every school in the District be a high-performing school, that all children succeed in a rigorous curriculum and that all teachers are highly qualified and dedicated to the success of our children. We have made great strides in each of these areas, but this work is not done. NCLB provides the District, its children and parents with unprecedented opportunities for improving the academic achievement of our students.

Directory information includes student’s name, address, telephone number(s), date and place of birth, participation in officially recognized activities and sports, achievement awards or honors, student’s weight and height, if a member of an athletic team, major field of study, dates of attendance and date of graduation. Directory information can be released to anyone without a parent’s written consent unless this form is completed and returned. Parents, guardians and adult students have the right to prevent the disclosure of directory information.

**CHOOSE ONLY ONE FROM THE TWO OPTIONS BELOW IF YOU OPT-OUT OF DISCLOSURE**

**If you DO NOT wish to have directory information about your child released, check the following box and return this form to your child’s school (school will forward to Law Department):**

I **DO NOT** want directory information about my child released to anyone without my written consent. *I acknowledge that this will prevent the automatic release of directory information to college, military or scholarship institutions.*

**MILITARY RECRUITERS. If you DO NOT wish to have directory information about your child released to military recruiters, but you do consent to release to all other requesters, check the following box and return this form to your child’s school (school will forward to Law Department):**

I **DO NOT** want directory information about my child released to military recruiters without my written consent.

**PLEASE WRITE LEGIBLY**

Pupil Name \_\_\_\_\_

Grade \_\_\_\_\_ Student ID Number \_\_\_\_\_

School \_\_\_\_\_

Home Address \_\_\_\_\_

Phone Number \_\_\_\_\_

Parent/Guardian Signature \_\_\_\_\_

Parent/Guardian Print Name \_\_\_\_\_ DATE \_\_\_\_\_

**PLEASE RETURN THIS FORM TO YOUR CHILD’S SCHOOL SECRETARY.**

**APPENDIX B**  
**REPORT FORM FOR REPORTS OR COMPLAINTS OF**  
**DISCRIMINATION OR HARASSMENT**

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**Complainant** \_\_\_\_\_

**Home Address** \_\_\_\_\_ **Phone** \_\_\_\_\_

**Work Address** \_\_\_\_\_ **Phone** \_\_\_\_\_

**Date of Alleged Incident(s)** \_\_\_\_\_

**Did the incidents involve:** Discrimination \_\_\_\_\_  
 On what basis \_\_\_\_\_  
 Sexual harassment \_\_\_\_\_  
 Racial harassment \_\_\_\_\_  
 Harassment because of national origin \_\_\_\_\_  
 Harassment because of disability \_\_\_\_\_

**Name of person you believe discriminated against or harassed you or another person:**  
 \_\_\_\_\_

**If the alleged discrimination or harassment was toward another person, identify that other person:**  
 \_\_\_\_\_

**Describe the incident as clearly as possible, including such things as what force, if any, was used, any verbal statements (i.e., threats, requests, demands), what, if any physical contact was involved.**  
**Attached additional pages as necessary:**  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**When and where did the incident occur:**  
 \_\_\_\_\_  
 \_\_\_\_\_

**List any witnesses who were present:** \_\_\_\_\_  
 \_\_\_\_\_

**This complaint is based upon my honest belief that \_\_\_\_\_ has discriminated against or harassed me and/or another person. I hereby certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge**

---

\_\_\_\_\_ **Date** \_\_\_\_\_  
 Complainant's Signature

\_\_\_\_\_ **Date** \_\_\_\_\_  
 Received By

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APPENDIX A  
**BEHAVIORAL CONTRACT**  
**CLEVELAND METROPOLITAN SCHOOLS**

**Our Vision**

The Cleveland Metropolitan School District envisions 21<sup>st</sup> Century Schools of Choice producing excellence in graduates through a rigorous and challenging curriculum taking into consideration the learning styles, program preferences and academic capabilities of each student; with high quality and committed educators, administrators and support staff.

**Our Mission**

The Cleveland Metropolitan School District will strive for nothing less than a premier status that will be emulated for its best practices in the areas of academics, buildings and facilities, customer service, safety and security, and student services purposefully designed to produce graduates prepared to take leadership roles as students in colleges and universities, as professionals in diverse occupations and as citizens in a global society.

The following contract between \_\_\_\_\_ and \_\_\_\_\_ is designed to help \_\_\_\_\_ get along with and enjoy peers and to develop behaviors that will help \_\_\_\_\_ be more successful in school.

**STATEMENT OF STUDENT RESPONSIBILITIES**

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_

**STATEMENT OF TEACHER RESPONSIBILITIES**

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

**STATEMENT OF ADMINISTRATOR RESPONSIBILITIES**

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

**AGREEMENT**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SIGNATURES**

\_\_\_\_\_  
Student  
\_\_\_\_\_  
Administrator  
\_\_\_\_\_  
Parent

\_\_\_\_\_  
Teacher  
\_\_\_\_\_  
Date

**Q: How do I obtain a Work Permit?**

A. Applications can be obtained from the Office of Student Hearings and Appeals, the current school of attendance or on-line at [www.com.ohio.gov/law](http://www.com.ohio.gov/law). Contained in the packet are three documents which must be completed and taken to Work Permit Office in person by the student applicant.

**Application for Employer Certificate**

The student must complete the Student/Applicant Information section. The student applicant *must show proof of age. Examples include: Birth Certificate, Baptismal Certificate, State ID, Driver License, or Temporary Driver's Permit.* The student's parent/guardian must sign the application.

**Pledge of Employer**

The Pledge of Employer section must be completed and signed by the Manager/Employer. *The Employer's Tax I.D. section is mandatory. Work permits certificates can not be issued without the Tax I.D. Number.*

**Physician's Certificate**

The Physical exam report must include an exam, the student's height and weight, blood pressure, and pulse rate. The certificate must include the physician's signature and/or stamp. The student must have obtained this examination within the last 12 months.

Contact the Work Permit Office at 523-8492 for assistance.

**I. SHARED RIGHTS and RESPONSIBILITIES**

The District is committed to providing a safe and orderly school environment where students may receive and district personnel may deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, staff, administrators, parents and other visitors is essential to achieving this goal.

Each of these individuals is entitled to be treated with respect and dignity, and is also expected to treat others within the school district community with respect and dignity.

**A. STUDENT RIGHTS and RESPONSIBILITIES**

**1. Students are entitled to...**

- quality education;
- a safe and orderly environment;
- equal access to classes, school services and extracurricular activities;
- equal treatment in enforcement of school regulations and due process in administration of punishment for violations;
- safeguarding of constitutional rights;
- confidentiality in the handling of their records;
- a grievance process as described in this handbook on page 30.

**2. Students are expected to...**

- strive to do their best work at all times;
- go to school daily and arrive on time to school and every class;
- come to each class prepared to work with all necessary supplies;
- comply with the authority of teachers, principals, assistant principals, bus drivers, aides and other school staff members;
- obey school rules and regulations;
- respect the property of others;
- report serious incidents involving the safety and security of students and staff to their teachers, counselors or administrators at the time such incidents occur, including but not limited to weapons, drugs, assaults, threats, sexual misconduct or harassment.

**B. PARENT/GUARDIAN RIGHTS and RESPONSIBILITIES**

**1. Parents/guardians are entitled to...**

- arrange conferences in advance of school visits with teachers and principals to promote their child's educational progress;
- receive school reports and informational bulletins in a timely manner;
- arrange with school authorities to review their child's school records;
- bring complaints to the attention of school authorities;

2. **Parents/guardians are expected to...**

- encourage students to do their best work in school and at home;
- stress regular and timely school attendance as required by law (Ohio Revised Code 3321.38)
- provide children with resources necessary to their growth and development;
- teach children respect for people and property;
- understand school rules and cooperate with school personnel in enforcing them;
- report student misbehavior and safety issues to the school principal;
- voluntarily participate in school programs and conferences in accordance with District/school policies;
- treat school personnel with respect and dignity;
- inform schools of changes in address and telephone numbers;
- inform schools of changes in their child's health and provide information necessary to update student health records;
- advise school teachers of student's strengths and weaknesses;
- familiarize themselves with the City of Cleveland Ordinance (No. 864-05) related to minors' curfew hours; compulsory school attendance; parental supervision while students are suspended or expelled; and assaults of school employees by minors;
- participate in parental education and/or training programs offered by the District.
- adhere to the school visitation policy as outlined in Section IV

C. TEACHER RIGHTS and RESPONSIBILITIES

1. **Teachers are entitled to...**

- teach in an orderly and safe environment;
- receive the cooperation and support of all school personnel;
- receive the cooperation and support of all students and parents.

2. **Teachers are expected to...**

- conduct courses of study as established by the Board of Education;
- prepare thoroughly for each class;
- maintain necessary student records and provide periodic reports of student progress;
- arrange conferences with students and parents/guardians;
- call upon parents/guardians, principals and other school personnel for support in the educational process;
- ensure that all students have an equal opportunity to learn;
- establish, explain and apply discipline to students in a consistent manner;
- establish clear rules for acceptable behavior, class participation, grades and assignments;

Students suspended from the bus will be expected to attend school during the period of bus suspension. Unexcused absences during the period of suspension from the bus will be subject to academic penalty as provided by District policy and regulations and will be considered Level I offenses.

The Chief Executive Officer may expel a student from the bus in accordance with the procedures outlined in this student handbook.

**XVI. GRIEVANCE PROCESS**

**Step 1** Any student (assisted by parent/guardian) with a complaint not resolved by informal conferences may communicate *in writing* this concern to the Principal or the Principal's designee within ten days of the incident.

**Step 2** If the Principal or designee is unable to resolve the complaint to the student's satisfaction within ten days after the request, the student (assisted by a parent or guardian) may submit a letter of grievance to the Assistant Superintendent who will respond within ten days.

**Step 3** If the Assistant Superintendent is unable to resolve the complaint to the student's satisfaction within ten days after the request, the student (assisted by a parent or guardian) may telephone the Ombudsman.

The Ombudsman's Office is designed to assist parents, students and broader community members resolve conflicts and complaints not resolved at the school level. The office should be consulted for direction on school policies and practices, and for an explanation of grievance, due process and appeals procedures. Contact the Ombudsman's Office at (216) 574-8462.

*Please note that a student who is eighteen (18) years of age or older may utilize the grievance process in his/her own right.*

**XVII. STUDENT WORK PERMITS**

**Q: Who must apply for a WORK PERMIT?**

A: All residents of the city of Cleveland ages 14-17 who have first been hired by an employer.

**Q: Are students required to obtain a WORK PERMIT for SUMMER EMPLOYMENT?**

A: Student applicants who are age 14 or 15 are required to obtain a work permit in all instances. **WORK PERMITS ARE NOT REQUIRED OF 16 OR 17 YEAR OLD STUDENTS DURING THE SUMMER VACATION PERIOD.** The parent/guardian's written consent plus the minor's proof of age is to be kept on file by the employer, during the summer vacation period. These documents should be kept on file by the employer during the summer vacation period.

- Students, after required due process as specified in O.R.C. 3313.66, found to have violated this section shall be expelled by the Chief Executive Officer. However, the Chief Executive Officer may reduce the expulsion on a case-by-case basis in accordance with the Policy on School Discipline.
- If the actions giving rise to expulsion for any of the misconduct described above are committed by a student who is sixteen years of age or older and the student is convicted or adjudicated a delinquent child for a violation listed in O.R.C. 3313.662(A) based upon such actions, the student may be permanently excluded from the District. The procedures for permanent exclusion are set forth above in this handbook.
- The Chief Executive Officer shall initiate expulsion proceedings for any student who has committed an act warranting expulsion under the District’s policy on expulsion even if the student has withdrawn from school, for any reason, after occurrence of the incident that gives rise to the expulsion hearing but prior to the expulsion hearing or decision. If, following the hearing, the student would have been expelled had the student still been enrolled in school, the expulsion shall be imposed for the same length of time as would be imposed on a student who has not withdrawn from school.
- Students who are found to have committed a Level IV offense may be subject to an involuntary transfer to another school.

**F. Suspension and Expulsion from the School Bus**

Students who ride school buses are expected to comply with the same rules that govern their behavior while they are in school.

Students, whose misbehavior on a school bus warrants suspension may be suspended, following a hearing, in accordance with the procedures outlined in this student handbook.

Assistant Principals have the legal authority, following required due process, for suspending students from a bus. In cases of bus-related misbehavior, the administrator may:

1. Recommend suspension from school;
2. Suspend the student from the bus (requires assent by the Principal);
3. Recommend a combination of the above (requires assent from the Principal).

The total duration of any suspension will not exceed the number of days stipulated in this student handbook for the offense. Since suspension from the bus does not interfere with the student’s ability to attend classes, it is not necessary to issue a regular suspension notice. However, the student’s parent(s)/guardian(s) shall be notified immediately of a pending bus suspension.

Students suspended from the bus will be given two RTA tickets at the time of suspension. Additional RTA tickets will be provided, as needed, each day the student appears in school during the term of the bus suspension.

- watch for long, frequent or unexplained student absences from class or school and deal with them appropriately;
- be familiar with and abide by District policy and school rules.

3. **Ohio Law and District policies require teachers to...**

- report all cases of suspected child abuse to the proper authorities (696-KIDS);
- report serious incidents involving safety and student misbehavior to their principals or administrators as soon as possible;
- provide statements and other information as may be needed for the completion of reports involving the safety and security of students and staff.

D. **PRINCIPAL/ASSISTANT PRINCIPAL RIGHTS and RESPONSIBILITIES**

1. **Principals/Assistant Principals are entitled to...**

- work in an orderly and safe environment;
- receive the cooperation and support of all school personnel in serving as the school's educational leader(s);
- receive the cooperation and support of all students and parents as the building administrator(s).

2. **Principals/Assistant Principals are expected to...**

- exercise the authority necessary to ensure the safe, secure and orderly operation of the school;
- evaluate and work with staff to ensure that classroom and other activities result in quality learning experiences;
- ensure that the school offers a resource-rich learning environment for each student;
- establish and enforce rules, regulations and procedures for the orderly operation of the school;
- improve communications with parents, community and school staff;
- enforce District policies and procedures;

3. **Ohio Law and District policies require Principals/Assistant Principals to...**

- report all serious incidents to the Division of Safety and Security at 574-8561 and/or the Cleveland Police Department (911 for emergencies);
- report all cases of suspected child abuse to the proper authorities (696-KIDS);
- notify the Division of Safety and Security (574-8561) when police or any outside agency comes to school to conduct an investigation.

## II. STUDENT UNIFORM

The Cleveland Metropolitan School District is constantly working to provide every student with the opportunity to learning in a safe and orderly environment. As a part of that effort, a School Uniform has been established. The Board has defined the minimum standards of dress which will be acceptable for students in the District. Failure to abide by the student uniform code as established by the District will result in disciplinary action.

### School Uniform Policy

#### I. PURPOSE

To establish guidelines for the wearing of school uniforms.

#### II. SCOPE

This policy applies to all students in the Cleveland Metropolitan School District.

#### III. DEFINITIONS:

- A. **Mandatory School Uniforms:** Requires all students in grades K-12 to wear an adopted school uniform that is consistent with the system-wide Student Uniform Policy.
- B. **District Uniform Committee:** A district committee composed of representatives of the community, including parents, teachers, administration, and students.
- C. **School leadership councils:** A local school council composed of the building SPO, including parents, teachers, administrators, students and representatives from the school community.

#### IV. POLICY STATEMENT

Cleveland Metropolitan Schools believes that a positive school learning environment is an important factor in attaining student achievement. There are many factors that lead to a positive learning environment. Safety, discipline and school unity are three of those factors.

Cleveland Metropolitan Schools believes that wearing school uniforms is one way to achieve all three goals. A school uniform, which refers to wearing the same style and color of dress, can create a safer environment because it helps to identify students who belong on a school campus, thus making it easier to identify non-school persons who may be on the campus for disruptive purposes. Moreover, school uniforms create a more disciplined environment by reducing negative competition and arguments over dress styles, by reducing drop-out rates, and by increasing school attendance.

Finally, school uniforms promote school unity by eliminating factors that can create economic and social division among individuals, such as clothing style and brands, thus allowing students to become more conscious of such shared goals as meeting academic standards, developing self confidence and understanding diversity. The positive learning environment to which wearing school uniforms contributes helps to create an environment in which student achievement is the highest priority.

Beginning in the fall of 2009 all Cleveland Metropolitan Schools students (grades K-12) will be required to wear a school uniform. The specific uniform will be determined by the school district and the school uniform committee. All uniforms shall be "inexpensive and readily available for all students." Parents who cannot afford to pay full price for their children's uniforms shall be given the opportunity to purchase uniforms at an affordable price or receive donations of uniforms from the Cleveland community or from funding that has been granted to the Cleveland Metropolitan Schools District. This policy does not prevent students from exercising First Amendment rights to freedom of expression, such as wearing political buttons.

- A. Bringing firearms and/or knives to any school operated by the District or onto any District property
  - The definition of a firearm is any weapon (including a starter gun) which is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer or any destructive device (as defined in 18 U.S.C.A. Section 921), which includes any explosive, incendiary or poisonous gas, bomb, grenade, rocket having an explosive or incendiary charge of more than one-quarter ounce, mine or device similar to any of the devices described above.
  - A knife is defined as a cutting instrument having a sharp blade.
- B. Possessing firearms or knives on District property
- C. Bringing or possessing firearms or knives to school events off District property while at a school-sponsored interscholastic competition, extracurricular event or other school-sponsored activity
- D. Possessing objects indistinguishable from firearms
  - The Board prohibits students from knowingly possessing an object on school premises, in a school or a school building, at a school activity or on a school bus if both of the following apply:
    1. The object is indistinguishable from a firearm, whether or not the object is capable of being fired; and
    2. The person indicates that the person possesses the object and that it is a firearm or the person knowingly displays or brandishes the object and indicates that it is a firearm.
  - As defined by Ohio law and for the purposes of this handbook, an "object that is indistinguishable from a firearm" means an object made, constructed or altered so that, to a reasonable person without specialized training in firearms, the object appears to be a firearm.
- E. Commission of an act while under the authority of the District that is a criminal offense when committed by an adult
  - The Board prohibits such acts which are committed while at school, on District owned/operated property or at school-sponsored activity and which result in serious physical harm to persons or property as defined in O.R.C. 2901.01.

### **Corrective Action**

- The Principal, Assistant Superintendent or Chief Executive Officer may suspend a student for a period not to exceed ten (10) school days, following appropriate due process as specified in O.R.C. 3316.66.
- The student shall be recommended by the proper administrator for expulsion.
- When a serious incident occurs, the Principal will contact the Division of Safety and Security (574-8561) or the Cleveland Police Department.
- Parents will be informed of any Level IV Offense committed by their child immediately by the administration of the school.
- Students receiving special education services require a manifestation team review for this type of behavior.

- **\*Sexual Harassment**

Sexual harassment of a student consists of unwelcome and unsolicited sexual advances, requests for sexual favors, sexually motivated physical conduct or the verbal or physical conduct or communication of a sexual nature when;

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of a person's educational environment;
- b. Submission to or rejection of such conduct is used as the basis for education decisions affecting such individual; or
- c. Such unwelcome sexual conduct is so severe, persistent or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, hostile or offensive educational environment. Sexual harassment may involve the behavior of a person of either sex against a person of the opposite sex or same sex. Sexual harassment is a form of misconduct, which undermines the integrity of relationships in the school community and will not be tolerated. Students who experience sexual harassment from students or other members of the school community should report it. Those who commit acts of sexual harassment shall be subject to disciplinary action.

- **\*\*Vandalism**

In the event that a student causes damages to occur to Board of Education property, parents/guardians will be responsible for the cost of such damages in accordance with the law. (O.R.C. 3109.09).

- The Chief Executive Officer may initiate expulsion proceedings for any student who has committed an act warranting expulsion under the District's policy on expulsion even if the student has withdrawn from school, for any reason, after occurrence of the incident that gives rise to the expulsion hearing but prior to the expulsion hearing or decision. If, following the hearing, the student would have been expelled had the student still been enrolled in school, the expulsion shall be imposed for the same length of time as would be imposed on a student who has not withdrawn from school.
- If the actions giving rise to discipline for any of the misconduct described above are committed by a student who is sixteen years of age or older and the student is convicted or adjudicated a delinquent child for a violation listed in O.R.C. 3313.662(A) based upon such actions, the student may be permanently excluded from the District. The procedures for permanent exclusion are set forth above in this handbook.

#### Level IV – Offenses

Commission of these offenses shall result in expulsion up to a period of one year and/or permanent exclusion from the District. The Chief Executive Officer may reduce the expulsion on a case-by-case basis in accordance with the Policy on Student Discipline. Matters, which might lead to a reduction of the expulsion period, include: the student's mental and/or physical characteristics or conditions; the age of the student and its relevance to the punishment; the prior disciplinary history of the student and/or the intent of the perpetrator.

Parents who do not wish for their children to wear uniforms because of their or their children's religious beliefs or religious dress must submit their reason in writing to the school principal. Students who wear the traditional dress of their religion shall not be required to wear school uniforms.

Attire that disrupts the learning environment, creates a potential safety hazard, or is not in compliance with the adopted district-wide student uniform policy is prohibited. Principals shall have the authority to determine proper attire for the schools, including proper attire when school uniforms are not worn.

Principals are responsible for ensuring that the school uniform policy is adequately enforced and implemented at the school level.

#### V. RESPONSIBILITY

1. The Office of the Chief of Staff is responsible for monitoring compliance with the school uniform policy and for evaluating its effectiveness.
2. The Office of the Chief of Staff is responsible for administering programs for parents who cannot afford to purchase school uniforms for their children.
3. The school leadership councils are responsible for prescribing local school uniform colors that are consistent with the adopted CMSD School Uniform Policy. The councils are also responsible for establishing uniform banks at their schools for parents who cannot afford to pay regular cost for uniforms and for students who may be out of compliance on a particular day.
4. Principals are responsible for enforcing the school uniform policy at their schools
5. Parents are responsible for ensuring that students are dressed properly for school.
6. Students are responsible for following the school uniform policy.

#### VI. SCHOOL UNIFORMS

1. Basic Uniform

- a. District-wide K- 12 CMSD Student Uniform Policy

- Tops

1. No hooded jackets
2. All shirts should be tucked in
3. Females – any solid color blouses with collars, polos with collars, oxford tops with collars or turtlenecks
4. Males – any solid color dress shirts with collars, polo shirts with collars, oxford button-down shirts with collars or turtlenecks
5. No striped tops or clothing for females or males
6. Colors
  - a. Blue or white (exclusively)
  - b. No insignia or logos
  - c. Approved solid colors

- Bottoms

1. No jeans or sweat suits for either males or females
2. Females- skirts, jumpers, slacks, knee length shorts, capris – all items knee length or longer
3. Males – pants, knee length shorts
4. Colors
  - a. Dark blue/navy, black or khaki/tan
  - b. All solid colors
5. Material – uniform, dress or corduroy

- Sweaters

1. Female/male – cardigans, pullovers or vests
  2. Colors – black, navy or white
- Headgear – no headgear for either males or females including but not limited to scarves, hats, rags, wraps or any other items identified as being unauthorized by the Uniform Leadership Council
  - Belts
    1. Female/male – belts required for all slacks, skirts, shorts, skorts with belt loops
    2. Colors
      - a. Black, navy, light or dark brown
      - b. No other colors, insignias, or logos on belts
2. School leadership councils may approve additional styles for the uniform top if the change is school related and is consistent with the adopted district uniform policy. School leadership councils may also approve of days or events when school uniforms will not be required.
  3. Students may wear the uniforms of nationally-recognized youth organizations at their school on days specified by the organization (e.g., Girl Scouts and Boy Scouts).
  4. The school district and the local schools must inform parents of the availability of financial assistance if they cannot afford to purchase school uniforms at competitive prices.
  5. Violation of the school uniform policy shall not affect a student’s academic or conduct grade.
  6. Parent complaints about the school uniform policy shall be reported to the principal or a designee.
  7. The Division of Exceptional Children (Special Education) can decide whether any student(s) should be exempt from the District Uniform Policy due to the student’s exceptionality.
  8. The school uniform policy shall be in effect during both the school year and any summer programming.

## VII. COMPLIANCE

A joint committee between the Cleveland Metropolitan School District and the Cleveland Teachers Union will be formed to design behavioral intervention strategies and disciplinary measures for violations of the School Uniforms Policy.

## VIII. EXEMPTIONS

### Request for Exemptions and Appeals

A parent who objects to the school uniform policy because of his or her religious belief must obtain a copy of the policy on School Uniforms, a Request for Exemption Form, complete the form and return it to the school. The principal shall review the form and accept or deny the request for exemption. If the principal is considering denying the request, he or she must first send a letter to the parent requesting a meeting to discuss and clarify the reason for the exemption request. The parent/legal guardian must meet with the principal within three school days of receiving the letter. The principal must accept or deny the request within two school days of meeting with the parent/legal guardian. If the principal denies the request, he or she must give the parent a written basis for the decision.

The parent can appeal a principal’s denial of the request for exemption to the CEO (or designee) within two days of receiving the principal’s denial. The CEO’s designee shall be the Manager in the Office of Student Hearings and Appeals. The designee must meet with the parent within five school days of receipt of the request for appeal, and must render a decision within five school days of meeting with the parents. If the CEO’s Designee also denies the request, he or she must provide a written basis for the decision.

- C. Intentionally causing physical injury to a school staff member
- D. Sexually assaulting another person (as specified in O.R.C. 2907.01)
- E. Intentionally causing or attempting to cause physical injury or intentionally behaving in such a way as could reasonably cause physical harm to another person
- F. Sexual conduct with or without mutual consent, including all forms of sexual harassment\* **(See page 37)**
- G. Hate crimes
- H. Engaging in drug related activities, including, but not limited to:
  - making, selling, or distributing drugs/counterfeit drugs at school;
  - bringing readily identifiable drug abuse instruments or paraphernalia to school, or having such items in his/her possession;
  - using or possessing drugs/counterfeit drugs at school.
- I. Intentionally burning or attempting to burn property\*\* **(See page 37)**
- J. Stealing, attempting to steal or possessing stolen property **(See page 37)**
- K. Stealing or attempting to steal any motor vehicle from school property **(See page 37)**
- L. Damaging or attempting to damage property\*\* **(See page 37)**
- M. Forcibly entering a school building, locker, classroom or secured enclosure\*\* **(See page 37)**
- N. Extorting or attempting to extort property
- O. Falsely sounding a fire alarm, or causing a fire alarm to be sounded
- P. Falsely communicating or causing to be communicated that a bomb is located in or on property owned or being used by the Cleveland Metropolitan School District
- Q. More than one person acting together to intentionally cause harm or injury to a lone individual.

## Corrective Action

- Under mitigating circumstances, any corrective action suggested under Level I or Level II may be utilized for offenses under Level III.
- The Principal, Assistant Superintendent or Chief Executive Officer may suspend a student for a period not to exceed ten (10) school days, following appropriate due process as specified in Ohio Revised Code 3313.66.
- The student may be recommended by the proper administrator for expulsion.
- When a serious incident occurs in a building, the Principal will contact the Division of Safety and Security (574-8561) or the Cleveland Police Department.
- Parents will be informed of any Level III offense committed by their child immediately by the administration of the school.
- Students receiving special education services require a manifestation team review for this type of behavior
- Students who are found to have violated a Level III offense may be subject to an involuntary transfer to another school.

- suspended without permission from the school Principal, or bringing an unauthorized visitor to the school
- N. Intentionally participating in hazing activities
- O. Engaging in excessive displays of mutual affection.
- P. Engaging in an activity that may create a condition that is unsafe or unhealthy to others
- Q. Repeated violations of the school uniform and dress code policy.

\*Students who exhibit the following or other behaviors or indicators: having the odor of alcohol or marijuana on or about one's person; slurred speech; extreme drowsiness; reddening of the eyes; etc. As these indicators may appear as the result of other reasons the judgment of the administrator will prevail without prejudice to the student.

\*\*Ohio Law prohibits a minor “to use, consume, or possess cigarettes, other tobacco products, or papers used to roll cigarettes.” It is also prohibited for a minor to assist, pay for or share in the costs of such products. The District will cooperate with local police and juvenile court personnel as required. Under the new law, a first offense may result in a court mandating attendance at a smoking education program and/or charging a fine of up to \$100. Upon subsequent violations, a court may increase the fine, impose up to 20 hours of community services or suspend driving privileges for up to 30 days.

**Corrective Action**

- Any disciplinary options suggested under Level I may be applied for offenses under Level II.
- Behavioral Contract (**see Appendix A**).
- The Principal may utilize school based or agency mediation programs for conflicts between students as appropriate.
- The Principal, Assistant Superintendent or Chief Executive Officer may suspend a student for a period not to exceed five (5) school days, following appropriate due process as specified in Ohio Revised Code 3313.66.
- If the actions giving rise to discipline for any of the misconduct described above are committed by a student who is 16 years of age or older and the student is convicted or adjudicated a delinquent child for a violation listed in O.R.C. 3313.662(A) based upon such actions, the student may be permanently excluded from the District. The procedures for permanent exclusion are set forth above in this handbook.

**Level III – Offenses**

- A. Using or bringing weapons or dangerous instruments to school
  - A weapon is anything that is commonly used or designed to hurt someone or to put someone in fear (examples: knuckles, clubs, mace/pepper spray, etc.)
  - A dangerous instrument is anything that although not specifically designed to hurt someone, can be used to hurt someone or put someone in fear (examples: belts, combs, compasses, etc.)
  - Any object which closely resembles a weapon and could put persons in fear for their safety is included in this category
- B. Verbally or physically threatening to injure or harm a school staff member or student

1. A religious exemption can be based on the religion of the parent or the religion of the child, but the parent must apply for the exemption in either case.
2. A strongly-held belief such as a philosophy or set of moral principles that guides a person’s decision about his or her life or lifestyle is not necessarily grounds for an exemption.
3. Example of an Exemption Request

Mr. Ali requests an exemption for his daughter. He states that he is a member of the Islamic faith, and his religion requires women to cover their heads and all parts of their bodies except their face, hands, and feet when in public. Furthermore, Mr. Ali believes that wearing the traditional Islamic dress will allow his child to fulfill these requirements. He believes that the school uniform is not sufficient to meet the requirements set forth by the Islamic faith because parts of young women’s bodies that Islam requires to be covered will not be covered.

In this example, the parent identified his religion and one of its beliefs or tenets and indicated how he believed wearing the school uniform conflicts with one of his religion’s beliefs.

The following guidelines will be uniformly applied to student uniform regulations by each building principal or designee:

- **1<sup>st</sup> offense:** *Notice sent to office and parent/guardian notified*
- **2<sup>nd</sup> offense:** *Notice sent to office and conference held with Building Administrator, student and parent/guardian within 24 hours. Conference may be held in person or by phone.*
- **3<sup>rd</sup> offense:** *Notice sent to office and student assigned to one-day in-school suspension, or until resolved*
- **Subsequent Offenses:** *Subject to further interventions/disciplinary actions per the Student Code of Conduct*

*This is a Level II-Q offense. (See p 35)*

**III. STUDENT PROMOTION**

Student promotion will be determined by the degree to which the student has mastered the basic skills required in each grade, as defined by the content standards that have been developed and adopted by the District. The majority of students will follow a regular sequence of continuous progress and will complete grades 1 through 9 in nine years. Students who encounter difficulty in mastering basic skills should be promoted to the next grade, but must receive intervention services. In all cases, retention is to be regarded as the option of last resort.

**IV. SCHOOL VISITATION POLICY**

Visits from parents/guardians and interested citizens to schools are encouraged. All visitors shall report to the school office immediately upon entering a school building to sign in, to provide the reason for the visit and to receive permission to proceed. School visits shall be scheduled in advance, if possible, and approved by the Principal or designee. Unauthorized persons will not be permitted in school buildings or on school grounds. School principals are authorized to take appropriate action to prevent such persons from entering buildings and loitering on grounds.

Approved visits shall acquaint interested persons with the school programs, personnel and operations. Activities may include observing classroom instruction, extracurricular activities, student assemblies, exhibits, safety procedures and lunchroom operations. Scheduled visits shall not interfere with the instructional or non-instructional operations, or the safe environment of the school.

Any problems or concerns of visitors shall be discussed initially only with the Principal. Visitors shall be encouraged to refrain from reporting evaluations of personnel or operating procedures except to the Principal.

Visits to schools by students who are not assigned to that school are not encouraged, except for emergency situations. Only with the knowledge of a parent/guardian and the Principal should a child enter a school other than his/her own. ***All visitors must report to the school office immediately. Any unauthorized entry is defined as trespassing, a Level II offense, and a violation of the law. A student may be prosecuted for such a violation.***

***Note: Adult visitors who fail to adhere to this policy, whose visit interferes with the education process or who compromise the safety of students and staff may have their visitation privileges restricted and/or may be prosecuted to the full extent of the law.***

## V. STUDENT IDENTIFICATION PROGRAM

The Student ID is a tool used to assist in the identification as well as the daily functions of our students and faculty. The Student ID not only serves as a means of linking a student to a particular school, but it also allows administrators and other vital operating agencies like food service and transportation to track the frequency of a student's utilization of services. The student ID contains such information as the name of student or faculty member, homeroom, school logo or banner name, and information relevant to the CMSD Universal Meal program. Each student and staff member is required to carry this ID on his or her person and in a viewable location while on District property or at a school-sponsored event. Student IDs are the property of the District. Any lost or stolen IDs may be replaced for a small fee to the student.

## VI. LEGAL EDUCATIONAL RIGHTS AND RESPONSIBILITIES

The U.S. Constitution and public laws protect children and provide them with a variety of rights as citizens and as students. It must be understood that these rights are balanced by certain responsibilities for behavior toward others.

### • **\*\*Banning the Use of Pagers, Beepers, Cellular Telephones and Other Electronic Devices by Students from District Properties**

Students shall not use cellular telephones, paging devices, digital, video or cellular telephone cameras or other electronic devices on school property or in school buildings, and, such devices shall not be used, seen or heard except for a clear emergency purpose or as part of an officially approved school course of instruction or activity. Violations of this section will result in confiscation of the electronic device by the school principal.

**1<sup>st</sup> Violation: Cell phone/electronic device will be confiscated and kept in the office until a parent or legal guardian comes to retrieve the item and signs off on this cell phone/electronic device policy;**

**2<sup>nd</sup> Violation: Cell phone/electronic device will be confiscated and kept in the office for up to 5 days until a parent or legal guardian comes to retrieve the item and signs off on this cell phone/electronic device policy; and,**

**3<sup>rd</sup> Violation: Confiscation for no less than 30 days.**

**Inappropriate use of electronic devices may result in further disciplinary action up to and including expulsion.**

**CMSD and its employees will not be liable for loss, stolen or damaged cell phones/electronic devices which are confiscated.**

- ***Repeated or chronic occurrence of Level I offenses may result in suspension as a Level II-A offense.***

### Level II – Offenses

- A. As defined by the Principal, chronic violation of Level I offenses
- B. Leaving school without permission, in the absence of an emergency declared by the Principal
- C. Engaging in or causing a disruption on a school bus
- D. Verbally or physically threatening to injure or harm another person or intimidating another person by creating fear for personal safety
- E. Bringing alcoholic beverages to school or having alcoholic beverages in his/her possession
- F. Coming to school under the influence of alcoholic beverages or other drugs\*
- G. Intentionally causing an interruption of education in the classroom
- H. Using abusive or profane language
- I. Failing to adhere to school culture and directives of school personnel when subject to the authority of the school
- J. Intentionally participating in or initiating actions that result in the disruption of the entire school
- K. Fighting, hitting or pushing another student
- L. Gambling on school premises
- M. Trespassing, including entering a school to which the student is not assigned without signing in at the office, entering a school from which the student is

For purposes of this student handbook, the term “school” refers to all instances when the student is under the authority of his/her school or the authority of the Cleveland Metropolitan School District; the term “property” refers not only to District-owned and operated property but also to any property, public or private, which may be damaged during the period when the student is subject to the authority of the District.

Students are considered to be subject to the authority of the District when they are at school-related or school-sponsored events even though those activities may not take place at an actual school or on District-owned/operated property. Some examples include athletic meets and games, field trips, contests and concerts as well as school buses or other transportation provided by the District. Misbehaviors that occur at such events will be subject to the same penalties as misbehaviors that occur in school and/or on District-owned/operated property, including but not limited to, penalties of suspension and expulsion. Additionally, the District’s suspension and expulsion policies apply to misbehavior directed at District officials and employees, regardless of where it occurs. Students are also subject to the authority of the District when traveling to and from school.

### Level I – Offenses

- A. Possession or using tobacco products or tobacco substitutes (except hallucinogens) at school\*\*
- B. Failing to attend school on time or to attend classes on time
- C. Failing to attend all assigned classes
- D. Taking and using the writings and ideas of another and deceptively submitting them as one's own work in satisfying a school assignment
- E. Signing the name of another person for purpose of defrauding school personnel
- F. Cheating on examinations
- G. Using pagers, cellular telephones and similar electronic devices in school\*\*
- H. Wearing apparel that is unsafe or causes school disruption in the educational process or fails to comply with the school uniform and dress code policy
- I. Posting or distributing materials on school property that causes a disruption to the educational process.

### Corrective Action

- Disciplinary responses other than suspensions may be used by the teacher/administrator to correct Level I offenses.
- **Level I offenses will result in detentions, in-school suspensions and optional classroom assignments.** Disciplinary responses may include:
  - Teacher conference (with student alone or with parent(s)/guardian(s));
  - Principal conference (with student alone or with parent(s)/guardian(s));
  - Right of Removal;
  - Parent/guardian contact by telephone;
  - Detention;
  - Referral;
  - Behavioral Contract (see Appendix A).

### A. Equal Educational Opportunities

The District respects and protects students’ right to be free from discrimination on the basis of race, color, national origin, citizenship status, religion, sex, sexual orientation, economic status, marital status, pregnancy, age or disability in all decisions affecting admissions; membership in school-sponsored organizations, clubs or activities; access to facilities; distribution of funds; academic evaluations or any other aspect of school-sponsored activities. Any limitations with regard to participation in a school-sponsored activity are based on criteria reasonably related to that specific activity.

### B. Notification of Rights under FERPA for Elementary and Secondary Schools

It is the intent of the District to limit the disclosure of information contained in your student’s education records except DISCLOSURE MAY BE MADE AS FOLLOWS:

- by prior written consent;
- as directory information (see **OPT OUT FORM contained in this Handbook**) and
- under other limited circumstances, as required or permitted by law.

The definition of directory information is contained in the OPT-OUT Form. Please read it. The Family Educational Rights and Privacy Act (FERPA) afford parents and students over 18 years of age ("eligible students") certain rights with respect to the student's education records. These rights are:

(1) The right to inspect and review the student's education records within 45 days of the day the School receives a request for access. Parents or eligible students should submit to the School principal a written request that identifies the record(s) they wish to inspect. The School official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

(2) The right to request the amendment of the student’s education records that the parent or eligible student believes are inaccurate. Parents or eligible students may ask the School to amend a record that they believe is **inaccurate**. They should write the School principal, clearly identify the part of the record they want changed, and specify why it is inaccurate. If the School decides not to amend the record as requested by the parent or eligible student, the School will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

(3) The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the School as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the School has contracted to perform a special task (such as an attorney, auditor, medical consultant,

or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks and such other volunteers and personnel as may be designated by the School District as “school officials” for the purposes of FERPA. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. Upon request, the School discloses education records without consent to officials of another school district in which a student seeks or intends to enroll. In addition, we intend to directory information upon request without prior notification to guardians unless the OPT-OUT Form has been completed and submitted.

(4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the *School District* to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-5901

### C. Health Insurance Portability and Accountability Act

The District is required by the Health Insurance Portability and Accountability Act (HIPAA) to inform students and their families of the District’s legal duties and privacy practices with respect to student health information. The District is committed to protecting student’s health information, abiding by the requirements of HIPAA, and following all laws regarding the use of your health information. **Student health information is private.** The District understands that information the District collects about students and their health is personal. Pursuant to HIPAA, the District has in place procedures and practices that ensure that health information is collected and stored in a manner calculated to protect it from release to anyone other than school personnel who need to know in order to keep students safe. In addition, a student’s family may request a copy of the health information the District has collected regarding a student in order to review it for accuracy. Any questions regarding HIPAA can be directed to:

HIPAA Compliance Officer  
Cleveland Metropolitan School District, Law Department  
1380 East Sixth Street, 200N  
Cleveland, Ohio 44114  
216.574.8210 FAX 216.574.8108

### D. Searches and Seizures\*

Students have the right of privacy of their person and freedom from unreasonable search or seizures of property. Students have the right to place their belongings in lockers, where available, as long as those belongings do not threaten that individual's health or safety, or the health, safety or rights of others in the building.

1. Any student expelled from school as a result of weapons possession, intentional physical assault against school personnel or a meaningful threat of serious physical harm to school personnel or property will be prohibited from returning to their home school without the written agreement of both the CTU building chairperson and the Principal. Students expelled for a serious physical assault against another student at school may not be returned to their home school without the written agreement of the Principal, the CTU building chairperson, and school-based student conflict mediators where applicable.

### 4. Permanent Exclusion

Only the Chief Executive Officer has the right to consider this decision for a student based on the severity of the offense and/or the number of prior offenses.

The Board may seek the permanent exclusion of a student 16 years of age or older who is either convicted in criminal court or adjudicated delinquent by a juvenile court of any of the following offenses that occur on school grounds or at a school function:

- A. Illegal conveyance or possession of a deadly weapon or dangerous ordinance, carrying a concealed weapon, aggravated trafficking, trafficking in drugs, trafficking involving the possession of a bulk amount of a controlled substance or the sale of a controlled substance; and/or
- B. Aggravated murder, murder, voluntary or involuntary manslaughter, felonious or aggravated assault, rape, gross sexual imposition or felonious sexual penetration, if the victim is a District employee. In addition, complicity in any of the above acts may be the basis for permanent exclusion.

### E. Specific Violations

Suspension and expulsion may be used only when the procedures outlined above are followed and only if students are notified of the specific offense that may result in these forms of punishment. This section provides that notice. It identifies four levels of offenses and the most severe disciplinary actions that may be taken in response to each level of offense. The most severe action permissible will not necessarily be used in all instances.

Some conduct prohibited by the District’s Policy on Student Discipline is also prohibited by Ohio Criminal Law. Therefore, violations of the District’s Policy on Student Discipline may result in the student being referred to an appropriate court of law. Students must be made aware that the law requires the reporting of serious crimes to law enforcement officials. This reporting may be undertaken in addition to disciplinary and/or corrective measures taken by school authorities.

**Procedures:**

- a. A student committing a *Level IV offense shall* be considered for expulsion.
- b. A student committing a *Level III offense may be* considered for expulsion.
- c. A student considered for expulsion shall be referred to the Office of Student Hearings and Appeals with all necessary documentation to support the possible expulsion.
- d. Before a student is expelled from school, the Chief Executive Officer or designee shall give the student and his/her parent(s)/guardian(s) written notice of the intention to expel and the reasons for the intended expulsion. The notice shall include information on the right to have a hearing, the time and place of the hearing, and the right to have a representative of the student's choice at the hearing. The representative may serve as counsel and need not be an attorney.
- e. The hearing shall not be earlier than three (3) nor later than five (5) school days after notice of intention to expel is given. The Chief Executive Officer or designee may grant an extension of time at the request of the student, parent(s)/guardian(s), or his/her representative. If an extension of time is granted, the Chief Executive Officer or designee must inform the student or his/her parent(s)/guardian(s) of the new time and place to appear. At the hearing the student may challenge the reason(s) for the intended expulsion or otherwise explain his/her actions. Such information shall be given equal consideration.
- f. If a student is expelled, the Chief Executive Officer shall notify the parent(s)/guardian(s) in writing within one school day. This written notice shall include the reason for the expulsion and an explanation of procedures to appeal the expulsion. The Chief Executive Officer shall also include a listing of public and private agencies that offer assistance to improve the student's attitude and behaviors. Notification will go directly to the student in cases where the student has attained the age of 18.
- g. A student or his/her parent(s) or legal guardian(s) who disagree with the expulsion may request an Appeal, in writing, within fourteen (14) school days after receiving the Notice of Expulsion.
- h. The student is entitled to the same representation at the appeal hearing as at the original hearing. The appeal hearing officer must make a word-for-word record of the appeal hearing, which may be an electronic recording.
- i. The Board of Education must act on the appeal at a public meeting. The Board of Education may uphold the expulsion, reinstate the student or modify the expulsion order. The decision of the Board of Education may be appealed by the student or parent(s)/guardian(s) to the court system.
- j. Expelling a student with a disability for more than ten cumulative days may constitute a change in placement. Prior to expelling the student, a team (Principal, special education teacher(s) and parent/guardian) will meet to conduct a manifestation determination and to review the student's needs. All procedural safeguards regarding special education students must be followed. Contact the Division of Special Education at 592-7293 for assistance.
- k. Expelled students are withdrawn from the Cleveland Metropolitan School District. When the period of expulsion has ended, an expelled student may be reenrolled only after a placement hearing at the Office of Student Hearings and Appeals. An appropriate school of assignment will be determined based upon the student's needs.

On occasion, it may be necessary for school staff or law enforcement officers to take actions to assure a safe and drug-free environment. Such actions may include a search of the contents of a student's locker, desk, person and personal property, gym bag, backpack or automobile parked on school property, if there are reasonable grounds for suspecting the search will turn up evidence that the student has violated or is violating either the law or the rules of the school.

**School lockers are the property of the District.** Those lockers and any contents are subject to random searches at any time, regardless of whether there is reasonable suspicion that a law or school rule has been broken. In addition there may be a generalized "sniff search" of school building contents using trained narcotics-detecting dogs.

Electronic metal detectors may be used to prevent weapons and other contraband from being brought into District facilities.

In order to provide for the safety of students, some schools and/or school buses may be equipped with video cameras for monitoring purposes.

School authorities or law enforcement officers shall confiscate weapons, dangerous instruments, illegal drugs and narcotics, which are found on school premises or in the possession of students. School authorities may confiscate articles, which have the potential for disturbing the educational process. Such articles may be retrieved by parents/guardians from the school office.

**\*See District Policy and Regulation: Interrogation and Searches JFG and JFG-R**

**E. Student Health**

Parents/guardians of students entering or re-entering CMSD shall submit proof of a complete immunization record as required by the State of Ohio Department of Health. Parents of students entering or re-entering CMSD shall submit a copy of a student's current (less than one year old) physical exam as required by Board policy.

Students requiring medication or treatment during school hours shall submit a completed medication/treatment form from their doctor/nurse practitioner and signed by the parent to the school nurse. For any change in medication/treatment (dosage, time, route), a new medication/treatment form needs to be completed.

The Cleveland Metropolitan School District will follow the Ohio Department Board of Health guidelines in reference to children with a communicable disease.

**\*See District Policy and Regulation: Student Health JHCD and JHCA**

## F. Section 504 Policies and Procedures

### Parent Information on Section 504 Policies and Procedures

If you feel your child may be eligible for a Section 504 Accommodation Plan due to a qualifying disability, please contact your school principal or access the information on the Cleveland Metropolitan School District's website at [www.cmsdnet.net](http://www.cmsdnet.net). The school principal is the school's Section 504 coordinator and has ample referral forms available in the main office for parents and teachers to use to begin the evaluation process.

We will use our best efforts to ensure that no student with a disability as defined by Section 504 of the Rehabilitation Act of 1973 (Section 504) within the District's jurisdiction will be denied, because of his/her disability, participation in curricular, intramural, or interscholastic activities or any of the services offered or rendered regularly to the students of this District. No otherwise qualified person shall, solely by reason of his/her disability, be subjected to discrimination under any program or activity sponsored by the Cleveland Metropolitan School District. We are committed to ensure that students with Section 504 disabilities be identified, evaluated, and provided with a free appropriate public education. We do not discriminate on the basis of disability with regard to admission, access to education services, treatment or employment in its programs and activities.

Our educational program will be equally accessible to all students at each grade level. Barrier-free access to school facilities will be provided to the maximum reasonable extent possible to ensure that no individual with a disability is denied an opportunity to participate in a District program available to persons without disabilities. Students with disabilities shall have facilities of a type and quality equivalent to those of students without disabilities.

By law, students who only "have a record of" or "are regarded as" having a disability are not entitled to services and/or accommodations under a Section 504 Plan. Only those students who presently have a physical or mental handicap which *substantially limits one or more major life activities* will be entitled to a Section 504 Plan.

Any student who needs, or is believed to need, accommodations or related services not available through existing programs in order to receive a free appropriate public education may be referred by a parent, teacher, or another person for identification and possible evaluation of the student's individual educational needs.

If you have questions, please contact your principal or the District's Law Department (574-8210).

## VII. STUDENT RIGHTS DURING INVESTIGATIONS BY LAW ENFORCEMENT AGENCIES AT SCHOOL

### A. During Criminal/Delinquency Investigations

As good citizens of the community, it is the responsibility of students to cooperate with the police in the investigation of suspected crimes. Under some circumstances, students being interviewed/questioned by law enforcement authorities at school may find that they are suspects in or witnesses to an investigation. Students must properly identify themselves to law enforcement authorities. Students are entitled to certain

decision of the Board of Education may be appealed by the student or parent(s)/guardian(s) to the court system.

- k. The suspended student remains on the register of his/her school and will not be marked absent during the period of suspension. Appropriate notation of the suspension should be recorded in a manner that permits the record to be expunged, if necessary. Students may not be academically penalized during the suspension period. **The school is responsible for providing to the student all class work and homework.** The student has the right and responsibility to complete all assignments and make up all tests missed during suspension.
- l. Suspending a student with a disability for more than ten cumulative days may constitute a change in placement. Prior to suspending the student, a team (Principal, special education teacher(s) and parent/guardian) will meet to conduct a manifestation determination and to review the student's needs. All procedural safeguards regarding special education students must be followed. Contact the Division of Special Education at 592-7293 for assistance.

Suspension is an extremely serious step. It is one that is taken by school authorities only after careful consideration. In cases where the use of suspension is not effective in improving a student's behavior, the school must refer the student to the Division of Student Administrative Services so that other types of action may be considered. A student's best insurance against being suspended from school is to learn his/her responsibilities as a student and to make effort to meet these responsibilities.

Even in the case of students who are suspended, every effort will be made to continue the student's educational process. Schools may maintain optional classrooms that remove disruptive students from their regular classrooms but permit them to stay in the building and receive instructional time. Students may receive an involuntary transfer to another school or classroom setting following their suspension, or they may be transferred to one of the Option/Alternative Learning Centers operated by the District.

### 3. Expulsion

*Definition: Expulsion means that the student is removed from school by school authorities for more than ten (10) school days, but not for more than eighty (80) school days. Since expulsion is the most severe punishment the school system may use, it requires action by the Chief Executive Officer.*

If at the time an expulsion is imposed there are fewer than eighty (80) school days remaining in the school year the Chief Executive Officer may apply any remaining part or all of the period of expulsion to the following school year.

- b. If, following the hearing, a Principal suspends a student, the student must receive the blue copy of the **Suspension Notice**, which states:
  1. that he/she has been suspended;
  2. the reason for the suspension;
  3. the length of the suspension;
  4. the date and place of the Principal's Suspension Conference;
  5. the procedures for appealing the suspension;
  6. the procedures for returning to school at the conclusion of the suspension;
  7. that the District may seek expulsion, if appropriate
- c. The Principal will contact the student's parent/guardian by telephone if possible and will detain the student in school under supervision until either the arrival of the underage student's parent/guardian or until the close of the school day. **No suspended student will be sent home before the end of the school day unless the school contacts the parent(s)/guardians(s).**
- d. The blue copy of the Suspension Notice will be given to the student at the time of suspension and the white copy of the Suspension Notice will also be mailed to the student's parent(s)/guardian(s) within 24 hours. The yellow copy of the Suspension Notice (Hearings & Appeals copy) will be forwarded to the Office of Student Hearings and Appeals for processing within 24 hours.
- e. A suspended student is not permitted on District property or at District activities during the suspension.
- f. On a student's return to school following a suspension, the Principal or designee will make every effort to hold a conference in which his/her parent(s)/guardian(s), guidance counselor and appropriate teachers will be present. The purpose of the conference will be to help the student find ways to succeed in school and to understand his/her responsibilities as a student. A written summary of the conference will be maintained on file at the school.
- g. Cases where suspension is considered for a student, who already has lost ten (10) school days during the same semester because of suspension, may be referred by the Principal to the Division of Student Administrative Services for appropriate action.
- h. A student or parent(s)/guardian(s) who disagree with the suspension may request an Appeal Hearing before a Board of Education appeals hearing officer, in writing, within fourteen (14) school days after receiving the Suspension Notice. Specific instructions on how to arrange for an Appeal Hearing will be included in the Suspension Notice.
- i. A student may be represented by an attorney or other counsel or advisor of his/her choice at the Appeal Hearing. The Board of Education appeals hearing officer must make a word-for-word record of the Appeal Hearing. The Board of Education must act on the appeal at a public meeting. The Board of Education may affirm the order of suspension, reinstate the student or reverse, vacate or modify the suspension order. The decision of the Board of Education may be appealed by the student or parent(s)/guardian(s) to the court system.
- j. The Board of Education may affirm the order of suspension, reinstate the student or otherwise reverse, vacate or modify the suspension order. The

rights when questioned by law enforcement authorities but may have a legal obligation to cooperate.

Neither students nor school staff may engage in the obstruction of justice, interfere with police in the performance of their duties or refuse to report suspected cases of felonies (serious crimes) under penalties of law.

A student may wish to consult his/her parent(s)/guardian(s) before being interviewed. The Principal shall make every effort to contact the parent(s)/guardian(s) for the student. The parent(s)/guardian(s) may notify the Principal that they do not wish to have the student interviewed unless they are present. The Principal shall make known to the student and the law enforcement authorities the desire of parent(s)/guardian(s).

## B. Investigations of Suspected Child Abuse/Neglect

***Note:** Ohio Law requires certain persons including school personnel, to report all cases of suspected child abuse or neglect. The law also grants these persons immunity from criminal or civil liability as a result of such reports.*

In Cuyahoga County, the Division of Children and Family Services is the investigating agency for child abuse/neglect. The agency may invoke or request the assistance of police in investigations. When notified that such an investigation will take place at school, the Principal/Designee must:

1. View official County issued photo identification of the investigator;
2. Cooperate with the Department of Children and Family Services and determine from the investigator whether or not the parent(s)/guardian(s) are to be notified. In the event the parent/guardian is not to be notified, the Principal may request that the Children and Family Services worker agree to notify the parent(s)/guardian(s) after the interview takes place, or to remove the pupil from the school as provided in the law;
3. Be present during the interview. If the interview is the result of the student having confided in a school staff person, that person may also be present during the interview; and
4. Be aware that if the worker does not wish to conduct the interview in the presence of school personnel that the worker must choose between two options:
  - a. Conduct the interview during such time, as the student is not subject to the authority of the school, or
  - b. Obtain the necessary legal papers to remove the student from school premises and then conduct the interview.

The Division of Children and Family Services may issue a legally binding Emergency Temporary Care Form signed by the worker and his/her supervisor, which is valid for seventy-two hours. After such time, a proper court order is necessary for the agency to retain custody. When the agency takes custody, it is the

responsibility of the worker to notify the parent(s)/guardian(s) that they have done so, if possible, before removing the student from the school and to inform the Principal if the parent(s)/guardian(s) have been notified. Principals shall file an Incident Report with the Division of Safety and Security when this happens.

*If you have questions call:*

The District's Department of Health and Social Services – 361-8128 or  
Cuyahoga County Division of Children and Family Services – 696-KIDS.

## VIII. DISTRICT GRIEVANCE PROCEDURE FOR COMPLAINTS INVOLVING CIVIL RIGHTS, ILLEGAL DISCRIMINATION AND/OR HARASSMENT

### A. Discrimination

In accordance with federal and state guidelines and District policy, any student who believes he or she has been the victim of discrimination and/or harassment based on race, color, national origin, sex, sexual orientation, religion or disability by a student, teacher, administrator or any other personnel of the Cleveland Metropolitan School District is encouraged to report the alleged acts, which shall be referred to as a formal grievance. A formal grievance refers to the Cleveland Metropolitan School District's alleged inadequate application of the principles of and/or the regulations of Title VI of the Civil Rights Act of 1964 (race, color, national origin), Title IX of the Education Amendment Act of 1972 (sex, gender), Section 504 of the Rehabilitation Act of 1973 (disability) and/or the Americans with Disabilities Act (disability).

A complaint alleging discrimination based upon race, color, national origin, sex, sexual orientation, or disability should be made by either the student(s) involved in the harassment or any District personnel or student aware of the harassment to the Principal or building supervisor. A complainant is encouraged to make a complaint in writing using a District Complaint Report Form (see Appendix B); however, oral reports will also be accepted. If the complaint involves a building Principal, the complaint shall be made to the Assistant Superintendent or the District's Director of Equal Employment Opportunity ("Director of EEO"). Any such complaints may be brought, at any time, directly to the attention of the Director of EEO (1380 East Sixth Street, Cleveland, OH 44114), who also serves as the District's Coordinator for Title IX. You may telephone the District's Title IX Coordinator or the Section 504 Coordinator at (216) 574-8210. The complaint will be handled in accordance with established District policy and procedure.

If the complainant does not believe that the complaint has been adequately resolved at the District level, the complainant is encouraged to present the complaint to the:

U.S. Department of Education, Office for Civil Rights  
600 Superior Avenue, East, Suite 750  
Cleveland, Ohio 44114-2611

### 2. Suspension

*Definition: Suspension is the removal of a student, following due process, from the regular school program by appropriate school building authorities for no longer than 10 school days. If at the time a suspension is imposed, there are fewer days remaining in the school year than the length of the suspension, the Chief Executive Officer of the District **may** apply the remaining part to the following school year. Students also may be suspended from the school bus.*

#### Guidelines:

Suspension is a serious step and should only be taken when all other alternatives have been explored at the school level. The Principal has the power to suspend a student when that student's behavior presents a clear danger of injury to the student, other students or school personnel, or prevents the orderly operation of classes or other school activities. **A student may be suspended for specific violations identified as Level II or Level III offenses.** A student **may** be suspended for specific violations identified as Level IV offenses pending an expulsion determination by the Chief Executive Officer.

- a. Students will not be suspended for Level I offenses unless the Principal determines the offenses to be chronic in nature.
- b. Students who commit **Level II** offenses **may** be suspended by the Principal for **up to five school days**.
- c. Students who commit **Level III** offenses **may** be suspended by the Principal for **up to ten school days**.
- d. Students who commit **Level IV** offenses **may** be suspended by the Principal for **up to ten school days pending an expulsion determination** by the Chief Executive Officer.
- e. K-3 students **may** be suspended for Level II and Level III infractions only with appropriate notification and support documentation to the Assistant Superintendent.
- f. Only the Principal, the Assistant Superintendent or the Chief Executive Officer can suspend a student.

#### Procedures:

- a. Pre-Suspension Hearing: Suspension proceedings should begin with an informal hearing between the student and the Principal or Assistant Principal. At this hearing, the student will be given written **Notice of Intended Suspension** (yellow copy), which spells out the specific charge(s) being made against the student. If the offense is one for which the District may seek expulsion, the notice shall contain that information. The student will be given an opportunity to respond to the reason for the intended suspension or otherwise explain his/her actions.

- Providing the student a written notice (**intent to suspend**) about the rules he/she is thought to have broken;
- Providing an opportunity for a hearing at which the student learns why he/she may be suspended or expelled and at which time the student can explain his/her actions;
- Providing the student with a **written notice** of suspension or expulsion; and
- Providing a mechanism for student **appeal** of suspensions or expulsions.

Due process requirements are specified in Ohio Revised Code 3313.66.

## 1. Emergency Removal

*Definition: An emergency removal is the removal of a student from a situation in which that student's presence poses a continuing danger to persons or property, or an ongoing threat of disrupting the academic process in the classroom or elsewhere on the school premises. **Emergency removal is not a disciplinary tool and shall not be used as a substitute for suspension.***

### **Procedures:**

- The Assistant Superintendent or Principal may, without notice or hearing, remove the student from curricular or extracurricular activities, or from the school premises for a period up to three school days.
- A teacher may, without notice or hearing, remove a student from curricular or extracurricular activities under the teacher's supervision and direct the student to the school office with an appropriate, written referral. This referral must be submitted to the office of the Principal before the end of the school day. In the case of an extracurricular activity, the referral must be submitted before noon of the following day. If necessary, the office referral will later be supplemented by a more comprehensive written report.
- In cases where a student must be removed from the school premises because his/her presence poses a continuing danger to persons or property in the school, the parent(s)/guardian(s) of the student will be contacted as soon as practicable. If the parent(s)/guardian(s) cannot be reached, the Division of Safety and Security will be contacted for assistance.
- Any student removed under this section **must be given a written statement of the reason for removal**. The Emergency Removal of Student form will be used for this purpose with copies going to the parent(s)/guardian(s) and appropriate school personnel.
- If the emergency removal is for a period of more than one school day, the student also must be given written notice and provided with a hearing, as defined in the section on Suspension Procedures, within three school days after the initial removal. The individual who initiated the removal shall be present at the hearing.
- If the Assistant Superintendent or Principal reinstates a student in a curricular or extracurricular activity under the teacher's supervision prior to a hearing following removal under this section, the teacher, upon request, shall be given a written statement for the reasons for such reinstatement.

## B. Student Harassment, Intimidation, and Bullying

Harassment, intimidation or bullying (including cyber bullying) is an intentional written, verbal or physical act that a student has exhibited toward another particular student or school personnel more than once, and such behavior causes both, mental or physical harm to the other student or school personnel, and is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment for the other student or school personnel. When these elements are met, a prohibited incident of harassment, intimidation or bullying has occurred. Harassment, intimidation or bullying of any student or school personnel on school property or at school-sponsored events is prohibited.

Cyber bullying of students or school personnel at any time and at any location by students is prohibited. Cyber bullying is the use of information and communication technologies such as e-mail, cell phone and pager text messages, instant messaging (IM), defamatory personal web sites, and defamatory online personal polling web sites, to support deliberate, repeated, and hostile behavior by an individual or group, that is intended to harm others. Cyber bullying includes, but is not limited to the following:

- posting slurs or rumors or other disparaging remarks, making threats of any kind, and discussing threats of any kind about a student or school personnel on a web site or on web log;
- sending e-mail or instant messages that are mean or threatening, or so numerous as to drive-up the victim's cell phone bill;
- using a camera phone to take and send embarrassing photographs;
- posting misleading or fake photographs on web sites.

Permission, consent or assumption of risk by an individual subjected to harassment, intimidation or bullying does not lessen the prohibition contained in this policy. Prohibited activities of any type, including those activities engaged in via computer and/or electronic communications devices, are inconsistent with the educational process and are prohibited at all times. No administrator, teacher or other employee of the District shall encourage, permit, condone or tolerate any harassment, intimidation or bullying activities. No students, including leaders of student organizations, are permitted to plan, encourage or engage in any harassment, intimidation or bullying.

Administrators, teachers and all District employees are particularly alert to possible conditions, circumstances or events that might include hazing or bullying. If harassment, intimidation or bullying or planned harassment, intimidation or bullying is discovered, involved students are informed by the discovering District employee of the prohibition contained in this policy and are required to end all harassment, intimidation or bullying activities immediately. All student harassment, intimidation or bullying incidents are reported immediately to the school principal or other administrator designated by the school principal, and appropriate discipline is administered. School personnel are also required to report prohibited incidents of which they are aware to the principal or other designated administrator who shall document the report, investigate it, respond as appropriate, and develop a strategy for protecting the victim from additional prohibited incidents and from retaliation following a report.

An appropriate response could include student disciplinary action under this Code of Student Conduct.

## IX. ELIMINATION OF CORPORAL PUNISHMENT

Corporal punishment is defined as inflicting bodily pain upon an individual for the commission or omission of an act. Corporal punishment is prohibited and shall not be used as a form of discipline in the District. The Board expects the administration, faculty and staff to use other forms of discipline, i.e., counseling and referral, including communication and meetings with the parents to promote appropriate, positive behavior.

Teachers, principals, administrators and support staff are authorized by law to use, within the scope of their employment, "such amount of 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 upon the person or within the control of the pupil, for the purpose of self-defense, or for the protection of persons or property."

The elimination of corporal punishment is continuously monitored. Students/parents/guardians wishing to report a complaint should contact the school Principal, the Assistant Superintendent or the Office of Student Hearings and Appeals at 523-8499.

## X. OPTION/ALTERNATIVE LEARNING CENTERS

In an effort to provide a positive educational alternative for students who have difficulty adjusting to a regular school setting and meeting specific program criteria, the District may establish option/alternative schools. These schools, when in operation are designed to serve and support specific types of "at risk" students and their families.

Students whose behavior and/or academic failure is a cause of concern will be referred to the appropriate center after the sending school provides a history of reasons for the referral and detailed documentation of interventions that have failed. The referral will take place after a conference between the student, his/her parent(s)/guardian(s) and the building's referral team. The sending school will forward the referral packet to the Office of Student Hearings and Appeals for review before the referral is forwarded to the appropriate center. School staff will interview the student and parent(s)/guardian(s). If the student is determined to be able to profit from the program and if the student completes an education contract with parental consent, the student will be transferred to the appropriate center.

## XI. STUDENT ASSIGNMENTS

### A. Regular Assignment

The Board determines attendance areas for the various schools of the District. The Chief Executive Officer recommends boundary lines, taking into consideration the best use of the school facilities, the equalization of enrollments in classrooms, natural barriers and traffic hazards and patterns. Except as the foregoing factors influence boundary lines, the area established should generally permit each student to attend the school nearest his/her place of residence.

student to successfully complete the contract is also given. The responsibility of teacher(s) and administrator(s) completes the agreement. The agreement is signed by the appropriate parties, including parent(s)/guardian(s) where and when needed. The school keeps a copy. Behavioral contracting is an option available to school personnel and students to help correct Level I and Level II offenses. A sample behavioral contract can be found in **Appendix A**.

Incentives for behavioral contracts have to be agreed upon. An incentive is something, which will encourage the student to satisfy the agreement. It can be a reward and/or a consequence provided by the school or parent(s)/guardian(s). School incentives may include media center time, bonus points, token rewards, free movies or admission to a school event, etc. Parent(s)/guardian(s) can provide incentives such as extra telephone or video game time, extended social hours on a weekend, attendance at a movie or a concert, etc. Some examples of consequences as incentives might be extra homework, detentions, loss of privileges at home, etc.

The greatest incentive for students in behavioral contracting is often one, which is almost never written. It is succeeding in school and gaining the respect that success brings.

### C. Mediation

Mediation is a problem-solving method, which allows two or more persons to identify conflicts and to develop a solution. Mediation is one of the corrective actions which may be used for Level I or Level II offenses. Mediation is always a voluntary process. A school administrator may utilize the services of community mediation services or school based mediation programs. Training services are provided for District schools by the Cleveland Metropolitan School District's Winning Against Violent Environments (WAVE) Conflict Resolution Program, call 432-4605.

In mediation, the mediator acts as a neutral party, sets ground rules and facilitates the mediation process. Both parties relate their side of the story. The mediator then asks the parties to say what they think the problem is. Once the problem is agreed upon, the parties are asked to propose solutions. All possible solutions are considered. The parties are asked to reject those that will not work or are not practical. A written agreement is developed around agreeable items and parties pledge to honor the agreement. Mediation may involve peers only or it may involve adults and students. It is a way of sharing responsibility and eliminates obstacles to successful behavior.

### D. Procedures and Due Process

Due process provides a standardized set of procedures that protect students' and parents' rights during the resolution of disciplinary matters. Due process applies in all instances when the student is subject to the authority of the school. (Some examples include athletic events, school dances and field trips. Students are under the authority of the school when traveling to and from school.) The District's due process requirements include:

- Having rules (**behavior code**) posted in the school and/or copies given to students;

## XV. STUDENT BEHAVIOR AND DISCIPLINE

When a student is experiencing difficulty in adjusting to the school program the school will attempt to help the student improve school adjustment by:

- Identifying the underlying problem;
- Working directly with the parent(s)/guardian(s) in an effort to help children;
- Using available school and community resources to resolve problems; and
- Instituting appropriate disciplinary actions.

Whatever action taken should reflect the severity of the problem and should be designed to improve the student's adjustment. In no way should it be designed to humiliate the student.

The following are some of the techniques that a teacher or administrator may use:

- Teacher conference (with student alone or with parent(s)/guardian(s));
- Principal conference (with student alone or with parent(s)/guardian(s));
- Parent/guardian contact by telephone;
- Right of Removal;
- Behavioral Contract (**see Appendix A**);
- Detention;
- Referral for counseling, psychological services or testing in order to identify and to try to correct conditions which may cause the student to misbehave;
- Service programs designed by the school and supervised by the Principal; and
- In accordance with the Ohio Revised Code and based on the recommendation of the Chief Executive Officer, alternatives to suspension or expulsion may include the performance of community service options.
- For third grade students, successful completion of the CMSD Family Academy programs may be considered as an option in appropriate cases in lieu of suspension.

### A. Disciplinary Record Keeping

To provide accountability to the student and protection for teachers, principals and administrators, records of all efforts to correct behavior and any disciplinary action taken must be kept by those taking such action. These records should include the student's name, date of the incident, type of misbehavior, corrective action taken, and responses of the student and parent(s)/guardian(s). When suspensions occur, the length of that suspension and the total number of suspensions for the student that academic year shall also be included in the record. Administrators will review the disciplinary record and the student's previous record in deciding appropriate action if a student misbehaves.

### B. Behavioral Contracting

Behavioral contracting is a method used to help students improve in behavior, schoolwork and self-discipline. A contract is an agreement between two or more persons to do (or not to do) something. In the case of a behavioral contract, there is an agreement between a student and teacher(s) and/or administrator(s). In a behavioral contract, the student's responsibilities are listed. An incentive for the

### B. Special Transfer Requests and Assignment

Generally, students attend the school, which best serves their academic needs and which serves the attendance area in which their parents reside, or if a student does not reside with his/her parents, in the school serving the attendance area where the child resides, as determined under Ohio law. Upon acceptance, the student may attend another school pursuant to the District's intradistrict open enrollment policy.

The Chief Executive Officer is vested with the authority to assign students to schools. The Chief Executive Officer or his/her designee is authorized to make exceptions on the basis of health and/or safety reasons or other extraordinary circumstances. Documented proof *will* be required. Such transfer shall remain effective until such time as; the underlying basis for the transfer no longer exists; a disciplinary response requires otherwise; or other factors, as determined by the Chief Executive Officer, make such a transfer impractical or unnecessary.

### C. Assignment of Students Experiencing Homelessness

The District shall enroll a student experiencing homelessness. Students may continue to attend the last school they attended before they became homeless (school of origin), or they may go to a school designated for the shelter or address where they are temporarily residing. *A permanent address is not necessary for school enrollment. Parent(s)/guardian(s) should contact Dr. Marcia Zashin, District Liaison, Project ACT (592-7405) at the Lakeside Administration Building 1440 Lakeside Ave., Cleveland, Ohio 44114, or log onto the website at <http://www.projectact.com> for assistance.*

## XII. STUDENT ATTENDANCE

### A. Students Between the Ages of 6-18 Shall:

1. Go to school every day throughout the school year;
2. Confer with their teachers to make up all work missed because of absence.

### B. Parent(s)/Legal Guardian(s) Shall:

1. Encourage and monitor their child's/children's school attendance;
2. Abide by Ohio Compulsory Attendance Laws;
3. Provide the school with a written explanation in the event of the absence of their student; and
4. Confer with their student's teachers to make up all work missed because of absence.

### C. Schools Shall:

1. Encourage students to improve both their attendance and punctuality; and
2. Maintain accurate and electronically accessible student attendance.

**Absences** will be considered "excused" for the following reasons:

1. Personal illness
2. Illness in the family

3. Quarantine of the home
4. Death of a relative
5. Home work due to the absence of parents or guardians, with documentation
6. Observance of a religious holiday
7. Emergency set of circumstances, which in the judgment of the Chief Executive Officer, constitutes a good and sufficient cause for absence from school; this includes students during an out-of-school suspension if the student is receiving instructional services.

All other absences will be considered "unexcused."

Students who are unable to attend school because of a severe health impairment or temporary physical condition may qualify for home instruction. Parent(s)/guardian(s) should contact the *Home Instruction Office at 592-7293* for details if such a condition is present.

#### D. Truancy

##### 1. Failure to Attend

Students who fail to attend school on a regular basis will be referred to the **Cuyahoga County Juvenile Court** for appropriate legal action. Parents whose children are found to be habitually or chronically truant **will be** referred to the *Cuyahoga Department of Children & Family Services*.

##### 2. Habitual and Chronic Truancy

Ohio Law expands the definition of a delinquent child and permits filings against both the child and parent(s)/guardian(s) if the child is found to be a habitual (absent without excuse five or more days in a row, seven or more days in a month, or 12 or more days in the school year) or chronic (7 days in a row, 10 or more days in a month, or 15 or more days in a year) truant. (O.R.C. 2151.011)

##### 3. Non-Promotion

Students with more than five days of unexcused absence for the academic year are subject to retention the following school year. (See District Promotion policy.)

- E. Student must be in attendance in school in order to participate in any after school or evening activity on that date.

### XIII. DRIVER'S LICENSE REVOCATION

Under Ohio law, a student's driving privileges may be revoked by the State of Ohio for excessive unexcused absences and/or being suspended or expelled for the use or possession of alcohol or the abuse of drugs. A student's driving privileges shall be revoked, for misconduct involving habitual truancy or the bringing of firearms and/or knives onto District property.

### XIV. EDUCATIONAL TECHNOLOGY

#### A. Video Surveillance

The District authorizes the use of video cameras on school property and transportation vehicles to ensure the health, welfare and safety of all staff, students and visitors to District buses or property, and to safeguard District facilities and equipment. Video cameras may be used in locations deemed appropriate by the Chief Executive Officer, while safeguarding the privacy rights of students and staff. Video recordings may become a part of a student's educational record. The District shall comply with all applicable state and federal laws related to record maintenance and retention.

#### B. Internet Acceptable Use

The District offers students access to the District's network and Internet for educational purposes and preparation of the students for life and work in the 21<sup>st</sup> century. Students are expected to follow all guidelines; unacceptable use of the District's network may result in a cancellation of Internet access, in whole or in part, as well as other disciplinary or legal actions.

Acceptable uses of the Internet include participation in collaborative efforts, accessing real-time data and unique resources, publishing information and resources, conducting research, and communicating broadly and effectively.

Unacceptable uses include, but are not limited to, accessing material that is profane or obscene; suggesting illegal acts and/or advocating violence or discrimination; using access to commit illegal acts; attempting to access any resources that are restricted, confidential or privileged; posting chain letters or personal contact information; participating in Internet relay chat, news groups or mailing lists unless directed and supervised by staff member; granting access to unauthorized persons intentionally or unintentionally or failing to notify a teacher or administrator if you suspect someone of using your password; agreeing to meet someone online; disruption of access of District or other computers; causing damage or changing function of operation or design of technology; use of obscene, vulgar or threatening language; harassing others; posting defamatory information; disregarding rights of copyright owners; causing or permitting protected material to be uploaded or broadcast in anyway without permission of the school administration; posting Web pages without authorized adult or teacher consent; downloading large files; buying or selling of any products or services; bypassing District Internet filters; and using the Internet in school without authorized school personnel.

It is important to understand use of the District's network is a privilege not a right that may be revoked at anytime for abusive behavior. All users should be aware that the inappropriate use of electronic information resources can be a violation of local, state and federal laws and violations can lead to prosecution.

**(See: Internet Acceptable Use Policy for Students: Policy EDE.)**