

STUDENT SUSPENSION

The Superintendent, principals, assistant principals and other designated administrators may suspend a student from school for disciplinary reasons outlined in the student code of conduct. A student cannot be suspended from school solely because of unexcused absences. **When an employee has actual knowledge that the behavior is sexual harassment, the Title IX Coordinator must be contacted. The Title IX sexual harassment grievance process will be followed, if applicable, prior to imposing any discipline that cannot be imposed without resolution of the Title IX process.**

No period of suspension is for more than 10 school days. If, at the time a suspension is imposed, fewer than 10 days remain in the school year, the Superintendent cannot apply any or all of the period of suspension to the following year.

The Superintendent may instead require a student to perform community service or another alternative consequence for the number of hours remaining in the student's suspension. The Board directs the Superintendent to develop a list of alternative consequences that may be used. If the student is required to perform community service or another alternative consequence during the summer, he/she will be required to begin serving the consequence during the first full weekday of summer break. If a student fails to complete the community service or assigned alternative consequence, the Superintendent may determine the next course of action but still cannot require the student to serve the remaining time of the out-of-school suspension at the beginning of the following school year.

Beginning with the 2019-2020 academic year, the District will reduce the number of out-of-school suspensions for non-serious offenses, as defined by State law, for students in grades pre-K through three in accordance with State law. Such out-of-school suspensions will be eliminated by the 2021-2022 school year.

Whenever possible, principals will consult with a mental health professional under contract with the District or school prior to suspending a student in grades pre-K through three. If needed, the principal or mental health professional will assist the student's parent in locating additional mental health services.

The District permits students to complete any classroom assignments missed due to suspension. Students will receive at least partial credit upon completion of any assignment missed due to suspension. The Board directs the Superintendent to develop written procedures for completing and grading these assignments. Grade reductions are permitted, but students will not receive a failing grade on a completed assignment solely due to the student's suspension.

The guidelines listed below are followed for all out-of-school suspensions.

1. The student is informed in writing of the potential suspension and the reasons for the proposed action.
2. The student is provided an opportunity for an informal hearing to challenge the reason for the intended suspension and explain his/her actions.
3. An attempt is made to notify the parent(s) by telephone if a suspension is issued.
4. Within one school day, a letter is sent to the parent(s) stating the specific reasons for the suspension and including notice of the right to appeal such action.
5. Notice of this suspension is sent to the:
 - A. Superintendent and
 - B. student's school record (not for inclusion in the permanent record).
6. Permanent Exclusion — If the offense is one for which the District may seek permanent exclusion, the notice contains that information.

Appeal Procedure

Should a student or a student's parent(s) choose to appeal the principal's suspension, he/she must do so within 10 calendar days of the notice of suspension. The appeal shall be in writing and made to the Superintendent. If dissatisfied with the Superintendent's decision, an appeal may be made to the Board. At the request of the student or of the student's parent(s) or attorney, the meeting may be held in executive session. All witnesses are sworn and a verbatim record is kept of the hearing. The decision of the Board shall be acted upon at a public meeting. The student may be excluded from school during the appeal process.

Appeal to the Court

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

[Adoption date:]

LEGAL REFS.: **Education Amendments of 1972, Title IX; 20 USC 1681 et seq.**
ORC 3313.66; 3313.661; 3313.662; 3313.668

CROSS REFS.: **ACAA, Sexual Harassment**

IGCI, Community Service

JEGA, Permanent Exclusion

JFC, Student Conduct (Zero Tolerance)

JFCEA, Gangs

JFCF, Hazing and Bullying (Harassment, Intimidation and Dating Violence)

JFCJ, Weapons in the Schools

JG, Student Discipline

JGE, Student Expulsion

NOTE: House Bill (HB) 410 (2016) prohibits districts from extending a suspension into the next school year if there are less than 10 days remaining in the current school year. The superintendent may instead require the student to complete community service or another alternative consequence determined appropriate. Districts also are prohibited from disciplining a student based solely on the basis of the student being absent from school without legitimate excuse.

HB 318 (2018) restricts out-of-school suspensions and expulsions for students in grades pre-K through three unless the behavior rises to a certain level specified in State law. It is recognized that these forms of discipline are commonly used as a behavior management tool and therefore the General Assembly established a gradual phase in.

For each of the school years 2018-2019, 2019-2020, 2020-2021 and 2021-2022 each school district must report to Ohio Department of Education (ODE) the number of out-of-school suspensions and expulsions issued to a student in grades pre-K through three categorized by the following offenses:

- *Type 1 - A serious offense for which suspension or expulsion is required or authorized by law*
- *Type 2 - An offense not classified as a Type 1 serious offense, but for which the school determined suspension or expulsion was necessary to protect the immediate health and safety of the student, the student's classmates, or the staff and teachers*
- *Type 3 - Any other offense not described above*

Using the numbers reported for the 2018-2019 school year as a baseline each district must reduce the number of Type 3 suspensions and expulsions according to the following schedule to be in compliance with the revised law:

- *2017-2018 and 2018-2019 – 0% reduction in Type 3 suspensions and expulsions*
- *2019-2020 – 25% reduction in Type 3 suspensions and expulsions*
- *2020-2021 – 50% reduction in Type 3 suspensions and expulsions*
- *2021-2022 – 100% reduction in Type 3 suspensions and expulsions*

For the 2021-2022 school year and going forward all suspensions and expulsions for students in any of grades pre-K through three can only be for Type 1 or Type 2 offenses. Type 3 offenses must be at zero.

Reporting after the 2021-2022 school year will only be required if ODE determines that continued reporting of the information is needed to effectively carry out the requirements of HB 318.

HB 477 addresses the potential liability related to the procurement of mental health services for students. Under amended Ohio Revised Code 3313.668 a school district, school board member, or district employee is not liable for damages in a civil action for injury, death, or loss to person or property allegedly arising from a district employee's decision not to procure mental health services for a suspended or expelled student. There is an exception to this liability protection where the decision is made with malicious purpose, in bad faith, or in wanton or reckless manner. This new language does not eliminate, limit or reduce any other immunity or defense to which the district, board member, or employee may be entitled to under the law.

HB 491 requires boards to adopt a policy establishing parameters for completing and grading assignments missed due to a student's suspension. The policy must permit the completion of classroom assignments missed and students must receive at least partial credit for completed assignments. The policy may permit grade reductions and must prohibit the receipt of a failing grade solely on account of the student's suspension. Districts may further customize this policy to reflect parameters or outline in detail in student handbooks.

On May 6, 2020, the U.S. Department of Education issued the long-awaited final Title IX regulations, which go into effect August 14, 2020. The Title IX regulations specifically define sexual harassment and establish detailed procedures for how school districts must respond to allegations of sexual harassment. Districts must follow the Title IX complaint process before the imposition of any disciplinary sanctions or other actions that are not supportive measures when the behavior is sexual harassment. This requirement will likely impact a district's current procedures for handling student discipline. Districts should ensure that all sexual harassment complaints are handled in accordance with the Title IX regulations that are outlined in ACAA, Sexual Harassment and ACAA-R, Sexual Harassment Grievance Process.

THIS IS A REQUIRED POLICY