Approved: August 22, 2024
Resolution No.: 2025-026

NORTHEAST OHIO CLASSICAL ACADEMY

SUSPENSION AND EXPULSION POLICIES

Rules of suspension and expulsion follow the due process as mandated by the State of Ohio.

Pursuant to the School's Parent/Student Handbook, misconduct and violations of School rules will subject a student to various levels of discipline depending on the type of offense, the specific circumstances surrounding the offense, and the frequency with which a student exhibits misconduct. The list of offenses attached hereto as Exhibit 1, specifies misconduct which may lead to suspension, expulsion or removal of a student based on the circumstances. To review the complete student code of conduct, please refer to the current Parent/Student Handbook which may be updated from time at the discretion of the School. The principal has similar authority and responsibilities as the superintendent of schools for a local district.

OUT-OF-SCHOOL SUSPENSION

Out-of-school suspension is removal of a student from school for a period of one to ten days. While students are suspended from School, they shall be afforded the opportunity to complete all of their classroom assignments. The student will have the opportunity to complete any classroom assignments missed due to the suspension and the student shall receive at least partial credit for such completed assignments as determined from time to time by the School administrator and teaching staff. In no event shall the student receive a failing grade on a completed assignment *solely* on the basis of the student's suspension. During suspension, students are not permitted to attend classes, participate in extracurricular activities, or be on any School property.

The principal, assistant principal or principal's designee may suspend a student. Prior to suspending a student, the principal, assistant principal or principal's designee must do both of the following:

1. Gives written notice of the intention to suspend and the reasons for the intended suspension to the student. If the proposed suspension is based on a violation listed in Ohio Revised Code Section 3313.662(A) and the student is sixteen years of age or older, the notice must contain a statement that the School may seek to permanently exclude the student if the student is convicted of or adjudicated a delinquent child for that violation; and
2. Provides the student an opportunity to appear at an informal hearing before the principal, assistant principal or principal's designee and challenge the reasons for the intended suspension or otherwise explain their actions. The hearing can happen immediately and can happen anywhere - the hall, office, classroom, etc.

Within one school day after the time of the student's suspension, the principal, assistant principal or principal's designee shall also provide written notice of suspension to the parent/guardian of the student and the treasurer of the Board of Directors. The notice shall contain:

1. The reasons for the suspension;
2. Notice of the right of the student, or student's parent/guardian/custodian to appeal to the Board of Directors or the Board's designee;

3. Notice that the student/parent/guardian/custodian has the right to be represented in all appeal proceedings;
4. Notice of the right to be granted an appeal hearing before the Board of Directors or the Board's designee to be heard against the suspension;
5. Notice of the right to request that the hearing be held in executive session;
6. Notice that the School may seek the student's permanent exclusion if the suspension was based on a violation listed in Ohio Revised Code Section 3313.662(A) that was committed when the student was sixteen years of age or older and if the student is convicted of or adjudicated a delinquent child for that violation; and
7. The date and manner by a student or parent/guardian/custodian may notify the Board of Directors of their intent to appeal the suspension. If the student or parent/guardian wishes to appeal the suspension, the request must be submitted, in writing, to the principal within five (5) school days of the written notice of suspension. The principal shall immediately forward this written appeal to the Board of Directors and Board of Directors' appeal hearing designee.

If there are fewer than ten school days remaining, the out-of-school suspension may not be applied to the following school year, but the principal may require the student to participate in a community service program or other alternative consequences for a number of hours equal to the remaining period of the suspension.

IN-SCHOOL SUSPENSION

If a student is issued an in-school suspension, the student shall serve the in-school suspension in a supervised learning environment. The student shall be permitted to complete any classroom assignments missed because of the suspension and the student will receive at least partial credit for such completed assignments as determined by the School administrator and teaching staff. In no event shall the student receive a failing grade on a completed assignment *solely* on the basis of the student's suspension.

EXPULSION

Except as specifically provided for by statute, the superintendent may expel a student for a period not to exceed the greater of 80 school days or the number of days remaining in the semester or term in which the offense leading to expulsion took place. Students expelled from the School are not permitted to attend classes, participate in extracurricular activities, or be on any School property. Expulsions may extend into the following school year.

Only the superintendent may expel a student. No student shall be expelled unless prior to the expulsion, the superintendent does both of the following:

1. Provides the student and parent, guardian or custodian written notice of the intention to expel the student and the reasons for the intended expulsion. The notice shall include the reasons for the intended expulsion, notification of the right of the student, guardian, custodian or their representative to appear before the superintendent or their designee to hear and to challenge the reasons for the intended expulsion or otherwise to explain the student's actions, and the

notification of the time and place to appear. The time to appear shall not be sooner than three (3) nor later than five (5) school days after the notice has been given unless the superintendent grants an extension of time at the request of the student, their guardian, custodian, or representative. If an extension of time is granted, the superintendent shall notify the student and his/her parent, guardian, custodian, or representative of the new time and place to appear. If the proposed expulsion is based on a violation listed in Ohio Revised Code Section 3313.662(A) and the student is sixteen years of age or older, the notice must contain a statement that the superintendent may seek to permanently exclude the student if the student is convicted of or adjudicated a delinquent child for that violation.

2. Provides the student and parent, guardian, or custodian an opportunity to appear in person before the superintendent or the superintendent's designee to challenge the reason for the intended expulsion or otherwise to explain the student's actions.

Within one school day after the time of the student's expulsion, the superintendent shall provide written notice of expulsion to the parent/guardian of the student and the treasurer of the Board of Directors. The notice shall contain:

1. The reasons for the expulsion;
2. Notice of the right of the student, or student's parent/guardian/custodian to appeal to the Board of Directors or the Board's designee;
3. Notice that the student/parent/guardian/custodian has the right to be represented in all appeal proceedings;
4. Notice of the right to be granted an appeal hearing before the Board of Directors or the Board's designee to be heard against the expulsion;
5. Notice of the right to request that the hearing be held in executive session;
6. Notice that the School may seek the student's permanent exclusion if the suspension was based on a violation listed in Ohio Revised Code Section 3313.662(A) that was committed when the student was sixteen years of age or older and if the student is convicted of or adjudicated a delinquent child for that violation and that the expulsion may be extended if a juvenile court or criminal proceeding regarding such violation is pending at the time the expulsion terminates; and
7. The date and manner by a student or parent/guardian/custodian may notify the Board of Directors of their intent to appeal the expulsion. If the student or parent/guardian wishes to appeal the expulsion, the request must be submitted, in writing, to the principal within fourteen (14) calendar days of the written notice of expulsion. The principal shall immediately forward this written appeal to the Board of Directors and Board of Directors' appeal hearing designee.

If the superintendent expels a student for more than twenty school days or for any period of time if the expulsion will extend into the following semester or school year the notice shall provide the student and the student's parent, guardian, or custodian with information about services or programs offered by public and private agencies that work toward improving those aspects of the student's attitudes and behavior that contributed to the

incident that gave rise to the student's expulsion. The information shall include the names, addresses, and phone numbers of the appropriate public and private agencies.

An expelled student will be provided with a date for re-entry and the date for the re-entry conference. The expelled student, and parent or guardian of the student must be present in the re-entry conference. The student and parent or guardian of any student will be notified in the event that the student fails to attend the re-entry conference.

Expulsion proceedings will be pursued against a student who has committed an act warranting expulsion even if the student has withdrawn from school for any reason after the incident giving rise to the hearing, but before the hearing or decision to expel. If after the hearing, the student would have been expelled for a period of time had the student remained in school, the expulsion will be for the same length of time as on a student who has not withdrawn from school.

WEAPONS EXPULSION

A student **must** be expelled for one year for:

> Bringing a firearm to the School or onto School Property (any Property owned, used, or leased by the School for school, school extra-curricular activities or school related events).

A student **may** be expelled for a period not to exceed one year for:

1. Bringing a firearm to an interscholastic competition, an extracurricular event, or any other School program or activity that is not located at the School or on School Property.
2. Possessing a firearm at School, on School Property, or at an interscholastic competition, an extracurricular event or any other School program or activity which firearm was initially brought onto the property by another person.
3. Bringing a knife capable of causing serious bodily injury to School, onto School Property, an interscholastic competition, an extracurricular event, or any other program or activity sponsored by the School or which the School is a participant.
4. Possession of a knife capable of causing serious bodily injury at School, on School Property, or at an interscholastic competition, an extracurricular event, or any other program or activity sponsored by the School or which the School is a participant which knife was initially brought onto the property by another person.
5. Committing an act while at School, on School Property, at an interscholastic competition, an extracurricular event, or any other School program or activity that is a criminal offense when committed by an adult that results in serious physical harm to persons or serious physical harm to property.
6. Making a bomb threat to a school building or to any premises at which a School activity is occurring at the time of the threat.

Firearm has the same meaning as provided pursuant to the "Gun Free Schools Act of 1994." At the time this policy was adopted, the above-referenced statute defined a firearm as any weapon (including a starter's gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; including the frame or receiver of any such weapon; and any firearm muffler or silencer; or any

destructive device. If the definition of a firearm as provided by the "Gun Free Schools Act of 1994" changes, then the definition set forth in this policy shall automatically change to conform to it.

A “knife capable of causing serious bodily injury” is defined as any weapon or cutting instrument consisting of a blade or edge that is not that otherwise determined by the superintendent to be necessary in the particular school setting and used for its intended school purpose.

The specific circumstances under which the superintendent may, in his/her discretion, reduce a one year expulsion may include: the student was unaware that he/she brought or was in possession of a firearm or knife; the student legitimately did not understand that the item he/she brought or possessed was a firearm or knife; a recommendation from qualified individuals concerning circumstances that justifiably mitigate the student’s culpability.

EMERGENCY REMOVAL

If a student’s presence poses a continuing danger to persons or property, or an ongoing threat of disrupting the academic process, the student can be removed from School without first satisfying the prior notice and hearing requirements set forth above. Written notice of the hearing and the reason for the removal shall be given to the student as soon as practicable prior to the hearing. The hearing shall be held on the next school day following the day of the student’s initial removal. Students are to remain home during school hours and not attend/participate in School sponsored function(s) pending the hearing.

If a student in grades pre-kindergarten to three poses a continuing danger to persons or property, or an ongoing threat of disrupting the academic process, the student can be removed from school without first satisfying the prior notice and hearing requirements set forth above. The student may only be removed for the remainder of the school day and will be permitted to return to school and participate in extracurricular activities the following day. In this case, the School may forego the written notice and one-day post-removal hearing requirements.

The School may not initiate suspension or expulsion proceedings against a student in grades pre-kindergarten to grade three who was removed as an emergency removal unless the student has committed an act that could result in a one-year expulsion under the Weapons Expulsion rules, described above, or as necessary to protect the immediate health and safety of the student, the student’s fellow classmates, the classroom staff and teachers, or other school employees.

PERMANENT EXCLUSION

A student may be permanently excluded from School if the student is convicted of, or adjudicated a delinquent child for, committing, when the student was sixteen years of age or older, an act that would be a criminal offense if committed by an adult and if the act is any of the following:

1. A violation of section 2923.122 of the Revised Code;

2. A violation of section 2923.12 of the Revised Code, of a substantially similar municipal ordinance, or of section 2925.03 of the Revised Code that was committed on property owned or controlled by, or at an activity held under the auspices of, a board of education of a city, local, exempted village, or joint vocational school district;
3. A violation of section 2925.11 of the Revised Code, other than a violation of that section that would be a minor drug possession offense, that was committed on property owned or controlled by, or at an activity held under the auspices of, the board of education of a city, local, exempted village, or joint vocational school district;
4. A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 or of former section 2907.12 of the Revised Code that was committed on property owned or controlled by, or at an activity held under the auspices of, a board of education of a city, local, exempted village, or joint vocational school district, if the victim at the time of the commission of the act was an employee of that board of education;
5. Complicity in any violation described in (1), (2), (3), or (4) above that was alleged to have been committed in the manner described in (1), (2), (3), or (4) above, regardless of whether the act of complicity was committed on property owned or controlled by, or at an activity held under the auspices of, a board of education of a city, local, exempted village, or joint vocational school district.

DISABILITIES COMPLIANCE

The School will comply with all laws and regulations presented in the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973 and the Individuals with Disabilities Education Improvement Act of 2004. Discipline procedures for students having a disability, will follow the procedures outlined in the Individuals with Disabilities Education Improvement Act of 2004 or such successor or replacement law.

SUSPENSION/EXPULSION OF STUDENTS GRADES PRE-KINDERGARTEN THROUGH 3

Restriction on Suspending and Expelling Students in Grades Pre-Kindergarten through 3

The School shall not issue an out-of-school suspension or expulsion to a student in grades pre-kindergarten through three unless the student has committed an act that could result in a one-year expulsion under the Weapons Expulsion rules, described above, or only as necessary to protect the immediate health and safety of the student, the student's fellow classmates, the classroom staff and teachers, or other school employees.

Consultation with a Mental Health Professional

The principal, whenever possible, shall consult with a mental health professional under contract with the School before an out-of-school suspension or expulsion is issued for a student in grades pre-kindergarten through three. If the events leading up to the suspension or expulsion indicate a need for additional mental health services, the principal or mental health professional must assist the student's parent or guardian with locating providers or obtaining those services provided such assistance does not cause a financial burden to the School. The assistance might include a referral to an independent mental health professional.

Exhibit 1

The following is a list of actions (but not limited to) which would be considered a violation of the *Code of Conduct*. Each offense, or series of offenses, will be evaluated individually based on the particular circumstances of the offense(s).

- Tardiness – Arriving later than scheduled*
- Truancy – Absent without permission*
- Dress Code Violation – Not adhering to School Uniform regulations
- Disobedient/Disruptive Behavior – Unwillingness to submit to authority, refusal to respond to a reasonable request or any act that disrupts the orderly conduct of a School function; behavior that substantially disrupts the orderly learning environment (i.e., dress code violation, inappropriate language, cursing, inappropriate gestures)
- Cheating/Plagiarism – To act dishonestly; copying of someone else' s work; to deceive, take credit for work not done by the student himself/herself
- Profane/Obscene Language or Gestures Between/Toward Students or Staff – Use of unacceptable words, terms, or gestures to embarrass or insult another student or staff member
- Theft – To take the property of an individual or the School without right or permission
- Fighting/Violence – To participate in physical contact with one or more students with the intent to hurt or injure
- Use, Possession, Sale, or Distribution of Tobacco Products, including vaporizers, electronic cigarettes, and any look-alike substances
- Use, Possession, Sale, or Distribution of Alcoholic Beverages
- Vandalism/Damage to School or Personal Property – Purposeful destruction, misuse or defacing of School or other' s personal property
- Intimidation/Interference/Hazing of Student or Staff – Threatening to physically or verbally harm, interfere, or degrade another student or staff
- False Alarms/Bomb Threat – Purposefully engaging in a false alarm
- Use/Possession/Sale/Transmission/Concealment of any Drug or look-alike drug or other illegal or Controlled Substance
- Use, Possession, Sale, or Distribution of a Firearm – Firearm has the same meaning as provided pursuant to the " Gun Free Schools Act of 1994" and also includes any look-alike or counterfeit firearm.
- Unwelcomed Sexual Conduct – Unwelcomed sexual advances, requests for sexual favors, other physical or verbal conduct or communication of a sexual nature, including gender-based harassment that creates an intimidating, hostile, or offensive education or work environment, i.e., pinching, grabbing, suggestive comments, gestures, jokes, or pressure to engage in sexual activity
- Harassment, Intimidation, or Bullying behavior (including by an electronic act) as

defined in the Board' s policy regarding harassment, intimidation, and bullying

- Gang involvement – Participation in gang-related actions, dress, or activities
- Weapons – No student at any time, for any reason, shall possess, handle, transmit, or use any object, including any look-alike or counterfeit objects, which can be reasonably considered a weapon in or on the property of the School, or any School-sponsored activity held away from the School property. For purposes of illustration, but without limitation, this rule shall include firearms, explosives, fireworks, and knives, including penknives, chemicals, and other dangerous objects, which are of no reasonable value to a student other than as a weapon. Possession of a " weapon" may result in immediate expulsion.
- Serious Bodily Injury – An incident that results in serious bodily injury to one' s self or others. Serious bodily injury is defined as " a bodily injury that involves substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member or organ."
- Health and Safety- Actions that in the sole discretion of the Head of School endanger the health and/or safety of fellow students, staff, or guests in the School.
- Wrongful Conduct – Actions not in the listing above that, in the sole discretion of the Head of School, impede, obstruct, interfere, or violate the mission, philosophy, and regulations of the School or classroom, including any policies listed in this Handbook.

*A student may not be suspended or expelled for tardiness or truancy.