

CLEVELAND METROPOLITAN SCHOOL DISTRICT

# Student Code of Conduct

*Student Rights and Responsibilities*  
2016–2017 School Year



CLEVELAND  
METROPOLITAN  
SCHOOL DISTRICT

The Cleveland Metropolitan School District is committed to providing families with the service and information they need to support your child’s educational needs. The following departments and resources are available to assist you in ensuring the best educational options for your child.

### HELPFUL NUMBERS

ADM/Attendance .....	216.838.0220
Family & Community Engagement (F.A.C.E.) .....	216.838.3223
Office of Hearings & Appeals .....	216.838.0324
Office of the Ombudsman .....	216.838.0090
Project ACT (Homeless Advocacy).....	216.838.0210
Division of Safety & Security .....	216.838.7777
Special Education.....	216.838.7733
School Choice and Enrollment.....	216.838.3675
Transportation.....	216.838.4BUS (4287)
Cleveland Department of Public Health.....	216.664.2324
Cleveland Rape Crisis Center Hotline .....	216.619.6192
Domestic Violence Center Hotline.....	216.391.HELP (4357)
First Call for Help .....	211 (United Way)
Suicide Prevention.....	800.273.TALK (8255)

### RESOURCES

- ClevelandMetroSchools.org
- ode.state.oh.us
- edresourcesohio.org
- projectact.com
- ClevelandMetroSchools.org/CenterForSafeYouth

School Name: \_\_\_\_\_

School Phone: \_\_\_\_\_

### 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 applies 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 or 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, 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 key to the success of the Student Code of Conduct and to the success of our students.

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.

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### 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...

- be treated with respect;
- receive support from teachers and school staff;
- receive a quality education;
- a safe and orderly environment;
- equal access to classes, school services, and extracurricular activities;
- equal treatment in enforcement of school regulations;
- 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 41.

##### 2. Students are expected to...

- treat others with respect;
- 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 and 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 presence of weapons or drugs, assaults, threats, sexual misconduct or harassment.

#### B. PARENT, GUARDIAN OR LEGAL CUSTODIAN RIGHTS and RESPONSIBILITIES

##### 1. Parents, guardians or legal custodians are entitled to...

- be treated with respect;
- be engaged in their student's education;
- 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 or legal custodians are expected to...**

- treat others with respect;
- build positive relationships with students;
- 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...**

- be treated with respect;
- 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...**

- treat others with respect;
- create an engaging classroom environment;
- 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;
- watch for 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 at 216.696.KIDS (5437);
- 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...**

- be treated with respect;
- 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...**

- treat others with respect;
- create an environment that supports teaching and learning;
- 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 216.838.7777 and/or the Cleveland Police Department (911 for emergencies);
- report all cases of suspected child abuse to the proper authorities 216.696.KIDS (5437);
- notify the Division of Safety and Security (216.838.7777) when police or any outside agencies come to school to conduct an investigation.

## II. STUDENT UNIFORMS

The Cleveland Metropolitan School District strives to provide students an opportunity to learn in a positive educational environment that reflects students' confidence and pride in their school and individual person. The District believes a student who looks and feels their best is well suited for academic success. As a result, the District has established minimum standards for student uniforms that apply to all Cleveland Metropolitan School District students (grades K-12). Students are empowered to ensuring their school clothing selections meet these minimum standards. Building administrators are responsible for ensuring that the school uniform policy is adequately enforced and implemented at the school level and have the authority to determine whether a student's attire meets the minimum standards.

## **A. SCHOOL UNIFORM MINIMUM STANDARDS**

The District-wide minimum standards of dress acceptable for students in the District are as follows:

### **TOPS**

1. No hooded jackets
2. All shirts should be tucked in
3. Females – blouses with collars, polos with collars, oxford tops with collars, turtlenecks
4. Males – dress shirts with collars, polo shirts with collars, oxford button-down shirts with collars, turtlenecks
5. No striped tops or clothing for females or males
6. No insignia or logos
7. Colors:
  - a. Solid blue
  - b. Solid white
  - c. Other approved solid colors (as selected by the school)

### **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, corduroy or dress pants

### **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 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

Schools may approve additional styles for the uniform top if the change is school-related and consistent with the adopted District uniform policy. Schools may also approve days or events when school uniforms will not be required.

Students may wear the uniforms of nationally recognized youth organizations on days specified by the organization (e.g., Girl Scouts and Boy Scouts).

The District and local schools must inform parents of the availability of financial assistance if they cannot afford to purchase school uniforms at competitive prices.

Violation of the school uniform policy shall not affect a student's academic or conduct grade.

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Parent complaints about the school uniform policy shall be reported to the principal or a designee.

The Department of Special Education can decide whether any student(s) should be exempt from the District uniform policy.

The school uniform policy shall be in effect during both the school year and any summer programming.

This policy does not prevent students from exercising First Amendment rights to freedom of expression, such as wearing political buttons.

### **B. 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 School Uniform Policy and 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 Chief Executive Officer (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.

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.

### **C. VIOLATION GUIDELINES**

The following guidelines will be uniformly applied to violations of the School Uniform Policy by each building administrator:

1st offense: the building administrator will hold a conversation with the student and/or parent, as appropriate, to discuss the violation. The building administrator may send documentation reflecting the conversation to the student's parent/guardian/legal custodian.

2nd offense: a conference will be held with the building administrator, student, and the student's parent/guardian/legal custodian within 24 hours to resolve the concern. The conference may be held in person or by phone. The building administrator may utilize a behavioral contract.

3rd offense: the building administrator will hold a conference with the student and the student's parent/guardian/legal custodian within 24 hours in order to resolve the concern. The conference may be held in person or by phone. The building administrator will assign the student to serve a detention and may utilize a behavioral contract.

4th offense: the building administrator will assign the student to receive instructional services in the building planning center for one day or until the concern is resolved. The building administrator will utilize a behavioral contract.

Subsequent Offenses: Subject to further interventions/disciplinary actions per the Student Code of Conduct. Repeated violations of the School Uniform Policy constitute a Level 2P offense (See page 38)

#### **D. RESPONSIBILITY**

1. The Chief Academic Office is responsible for monitoring compliance with the school uniform policy and for evaluating its effectiveness.
2. The Chief Academic Office 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 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 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.

#### **E. 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 Uniform Policy.

### **III. APPROPRIATE USE OF CELLULAR PHONES AND ELECTRONIC DEVICES**

The District is committed to providing a safe, positive and productive learning environment for its students. The District recognizes that, depending on how they are used, cellular phones and other electronic devices can be either a valuable learning tool or a source of disruption in the learning environment. In order to maintain a secure and orderly learning environment, student use and possession of cellular phones and other electronic devices shall conform to the appropriate use standards of this policy.

Students may possess cellular phones and other electronic devices on school property and school-sponsored transportation, as long as the student's use of the cell phone or electronic device is limited to appropriate uses as defined by this policy. Any other use of cellular phones and other electronic devices on school property, while on school-sponsored transportation, or while engaging in school-sponsored activities is prohibited. When not using their cell phone or other electronic device for an authorized, appropriate purpose, students are responsible for keeping their cell phones and electronic devices powered completely off (not simply in a "vibrate," "silent," or "airplane" mode) and stored securely in a purse, backpack, or locker.

### **Authorized Uses of Cell Phones and Electronic Devices:**

The District has determined that the following uses of cell phones or electronic devices by student may be appropriate:

- a) Appropriate use of cell phones and electronic devices as specifically authorized by a teacher for the purpose of assisting in an educational process. A teacher's authorization to use a cell phone or electronic device is considered to cease upon notification by the teacher, a student's completion of the specifically authorized task, or a student's dismissal from the classroom, whichever occurs first.
- b) Appropriate use of cell phones and electronic devices before the beginning or after the end of the instructional school day, provided the student is not on a school bus or other form of school-sponsored transportation.
- c) Communications with a student's immediate family members in the event of a District-wide or school-wide emergency as defined by the building administrator.
- d) Communications with a student's immediate family members authorized by a building staff member and that take place under the supervision of the authorizing staff member.
- e) Use of cell phones or electronic devices as authorized pursuant to an Individual Education Plan (IEP), a Section 504 Accommodation Plan, or a Health Care/Medical Plan with supportive documentation from the student's physician.

### **Unauthorized Uses of Cell Phones and Electronic Devices**

Although students are empowered to use cell phones and other electronic devices in specific, appropriate ways as described above, students are never authorized to use a cell phone or electronic device for the following purposes:

- a) In violation of any other section of the Student Rights and Responsibilities, including, but not limited to the District's prohibitions against cheating, posting or distributing materials that disrupt the educational process, intimidation, threatening to injure or harm others, use of profane or abusive language, hazing, bullying, disrupting the school environment, engaging in a disruption on a school bus, and failure to adhere to school culture or directives of school personnel.
- b) To commit a crime, under federal or state law.
- c) To violate another person's reasonable expectation of privacy by using cell phones or other electronic devices in locker-rooms, restrooms, or any other changing areas.
- d) To take photographs, audio recordings, or video recordings of other individuals, including other students, teachers, administrators, staff members, or members of the community without the explicit authorization of all individuals being photographed or recorded.

### **Corrective Action**

Any student who chooses to possess or use a cell phone or electronic device in a manner that does not conform to the appropriate use expectations of this policy may be subject to any of the following:

- a) A verbal reminder of expectations for appropriate use of cell phones and electronic devices and a request that a student modify their cell phone or electronic device use to meet the expectation of this policy.
- b) Confiscation of the cell phone or electronic device by a teacher or administrator and return of the cell phone or electronic device at the end of the class period.
- c) Confiscation of the cell phone or electronic device by a building administrator to be identified and stored in a safe location in the building's main office until the end of the school day.
- d) Written notification to the student's parent, guardian, or legal custodian by the building administrator.
- e) Confiscation of the cell phone or electronic device by a building administrator to be identified and stored in a safe location in the building's main office until the student's parent, guardian, or legal custodian comes to the school to retrieve the cell phone or electronic device.

Repeated or chronic violations of the cell phone and electronic device acceptable use policy constitute a Level 2Q offense.

Refusal to surrender a cellular phone or electronic device to a teacher or administrator attempting to confiscate it pursuant to this policy constitutes a Level 2I offense.

### **Responsibility/Liability**

Any student who chooses to bring a cellular phone or other electronic device to school shall do so at his or her own risk and shall be personally responsible for the security of his or her cellular phone or electronic device. The District and its employees will assume no responsibility or liability for loss, theft, damage or vandalism to a cellular phone or other electronic device brought onto school property, or for the unauthorized use of any such device.

## **IV. STUDENT PROMOTION**

The promotion of each student is determined individually. The decision to promote a student or to retain a student in a grade may be made on the basis of a student's reading grade, mental ability, age, physical maturity, emotional and social development, social issues, home conditions, and grade average. Additional information on student promotion and retention, including specific information applicable to promotion to the fourth grade based on performance on the third-grade state English language arts assessment, may be found in the District's Board Policy IKE, on Promotion and Retention of Students.

For more information, please review Board Policy IKE, accessible at [ClevelandMetroSchools.org](http://ClevelandMetroSchools.org) under the "Board Policies" sidebar in the "Board" section.

### V. SCHOOL VISITATION POLICY

Visits from parents/guardians and interested citizens to schools are encouraged. All visitors must present identification. 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. All visitors are to present official identification. 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/or 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 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 2 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.

### VI. STUDENT IDENTIFICATION PROGRAM

The Student ID is a tool used to assist in the identification of, 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; 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.

### VII. 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.

#### **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 that DISCLOSURE MAY BE MADE:

- by prior written consent;
- as Directory Information (see OPT-OUT FORM on page 45 of this Handbook); and
- under other limited circumstances 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) affords parents and students over eighteen (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 forty-five (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 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 to be 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.

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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 disclose 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 District to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

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  
1111 Superior Avenue E, Suite 1800  
Cleveland, Ohio 44114  
216.838.0070 FAX 216.436.5064

### **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.

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

For more information, please review Board Policy JFG and JFG-R, accessible at [ClevelandMetroSchools.org](http://ClevelandMetroSchools.org) under the "Board Policies" sidebar in the "Board" section.

### **E. Ohio Revised Code 3313.671 Immunization of pupils; records, reports**

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. The District may make and enforce such rules to secure the immunization of, and to prevent the spread of communicable diseases among pupils attending or eligible to attend the schools of the District.

The Cleveland Metropolitan School District will follow the Ohio Department Board of Health laws and guidelines in reference to child immunization requirements and to working with students, staff, schools, and communities with communicable diseases. ORC 3313.671 states students may be excluded two (2) weeks after the start of the school year for incomplete immunizations or not having proof of immunizations.

CMSD staff, nurses and family liaisons will work with parents/guardians to assist with immunization and decrease exclusion.

Exception by ORC 3313.671 to immunization rule:

1. Written statement (waiver) form signed by the parent or guardian of the student in which the parent or guardian declines to have the student immunized for reasons of conscience, including religious convictions.
2. A child whose physician certifies in writing that such immunization against any disease is medically contraindicated is not required to be immunized against that disease.

### **Physical exam**

Parents of students entering or re-entering CMSD shall submit a copy of a student's current physical exam (less than one (1) year old) as required by CMSD board policy.

### **Medication**

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

Administration of medications is the principal's or designee's responsibility in the absence of the school nurse.

For more information, please review Board Policies JHCD and JHCA, accessible at [ClevelandMetroSchools.org](http://ClevelandMetroSchools.org) under the "Board Policies" sidebar in the "Board" section.

### **F. Section 504 Policies and Procedures — Parent Information**

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 District's website at [ClevelandMetroSchools.org](http://ClevelandMetroSchools.org). 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. The Administrative Guidelines of the District's Section 504 Procedural Manual require that when evaluating a student under Section 504, the student's Section 504 team is to consider all appropriate assessments. Section 504 prohibits the District from categorically excluding any particular type of assessment from consideration. We do not discriminate on the basis of disability with regard to admission, access to education services, treatment or employment in our 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.

The District's complete Section 504 Procedure Manual may be accessed on the District's website at [ClevelandMetroSchools.org](http://ClevelandMetroSchools.org) under the "Civil Rights Notices" header in the "Parents" section. Hard copies of the manual are available at CMSD's Visitor Center located on the first floor at 1111 Superior Ave. E, Cleveland, OH 44114 or by requesting a copy from your building administrator.

If you have questions, please contact your principal or the District's Law Department at 216.838.0070.

### **G. Food Allergy Guidelines**

The District's Food Allergy Guidelines may be accessed at [ClevelandMetroSchools.org](http://ClevelandMetroSchools.org) under the "Civil Rights Notices" header in the "Parents" section. Hard copies of the Guidelines are available at CMSD's Visitor Center located on the first floor at 1111 Superior Ave. E, Cleveland, OH 44114 or by requesting a copy from your building administrator.

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

### **A. During Criminal/Delinquency Investigations**

As good citizens of the community, students have a responsibility 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 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, guardian or legal custodians before being interviewed. The principal shall make every effort to contact the parent(s)/guardian(s) for the student. Parents, guardians or legal custodians 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, guardian or legal custodians.

### **B. Investigations of Suspected Child Abuse/Neglect**

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 Department 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, guardian or legal custodian is 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, guardian or legal custodian 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.

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The Department 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 (72) 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, guardian or legal custodian that it has done so, if possible, before removing the student from the school and to inform the Principal if the parent, guardian or legal custodian has 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 Health Services Department – 216.838.0270 or  
Cuyahoga County Department of Children and Family Services – 216.696.KIDS.

### IX. STUDENT HARASSMENT, INTIMIDATION, AND BULLYING (DISTRICT POLICY JFCF)

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 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.

The law defines “harassment, intimidation or bullying” to be any intentional written, verbal or physical act that a student has exhibited toward another particular student more than once and the behavior:

- causes mental or physical harm;
- is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment for other students;
- includes violence within a dating relationship.

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 phones 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 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 shall be reported immediately to the school principal or other administrator designated by the school principal, and appropriate discipline shall be administered. School personnel are 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 the Student Rights and Responsibilities.

## X. SEXUAL HARASSMENT, DISCRIMINATORY HARASSMENT, AND DISCRIMINATION AND TITLE IX GRIEVANCE PROCEDURES (DISTRICT POLICY AC)

It is the policy of the Cleveland Municipal School District to maintain educational and work environments free from Sexual Harassment and from Discriminatory Harassment or Discrimination on the basis of any individual's sex, race, color, national origin, religion, sexual orientation, or disability.

This policy applies to all students and employees of the Cleveland Municipal School District.

The District prohibits any and all forms of Sexual Harassment, Discriminatory Harassment, and Discrimination by faculty, staff, students or any person with whom our faculty, staff or students interact in an educational or work environment as defined by this policy.

Any verbal, nonverbal, or physical conduct that discriminates against or harasses, disrupts, or interferes with another's educational or working environment or creates an intimidating, offensive, or hostile educational or working environment, is unacceptable and will not be tolerated.

The District will promptly investigate all complaints, formal or informal, verbal or written, of sexual harassment, discriminatory harassment, or discrimination.

Employees or students who engage in behavior in violation of this policy shall be subject to disciplinary action.

Retaliation is prohibited. No faculty member, staff member, or student may penalize, intimidate, or retaliate against a student or employee because he/she submits a claim; assists or participates in an investigation, proceeding or hearing regarding a complaint filed pursuant to this policy or because he/she has opposed conduct in violation of this policy.

**A. DEFINITIONS OF PROHIBITED CONDUCT**

1. Sexual Harassment:

Unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature may constitute sexual harassment when:

- a. Submission to such conduct is made, either explicitly or implicitly, a term or condition of education, employment or participation in District activities; or
- b. Submission to, or rejection of, such conduct by an individual is used as the basis for educational or employment decisions affecting such individual; or
- c. Such conduct has the purpose or effect of unreasonably interfering with an individual's educational or work performance or creating an intimidating, hostile or offensive environment.

Examples of sexually related conduct may include, but are not limited to, unwanted sexual advances; demands for sexual favors in exchange for favorable treatment, academic advancement, or continued employment; repeated sexual jokes, flirtations, advances or propositions; verbal abuse of a sexual nature; graphic verbal commentary relating to an individual's body, sexual prowess or sexual deficiencies; coerced sexual activities; any unwanted physical contact; sexually suggestive or obscene comments or gestures; or displays of sexually suggestive or obscene objects or pictures.

Sexually related conduct forms the basis of a sexual harassment claim if a reasonable person, in view of all the surrounding circumstances, would consider it sufficiently severe or pervasive as to create an objectively hostile or abusive educational or work environment and that it causes the person who believes he or she has been harassed to subjectively perceive the environment to be abusive or hostile.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based or gender-based conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects, limits, or denies an individual's employment or education, or such that it creates a hostile or abusive employment or educational environment.

Sexual conduct/relationships with students by District employees or any other adult member of the School District community is prohibited, and any teacher, administrator, coach, or other school authority who engages in sexual conduct with a student may also be guilty of the criminal charge of "sexual battery" as set forth in Ohio Revised Code 2907.03. The issue of consent is irrelevant in regard to such criminal charge and/or with respect to the application of this policy to District employees or other adult members of the School District community.

2. Discriminatory Harassment:

Verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of their sex, race, color, national origin, religion, age, sexual orientation, disability, or any other characteristics protected by law, and that:

- a. Has the purpose or effect of creating an intimidating, hostile, or offensive educational or work environment; or
- b. Has the purpose or effect of unreasonably interfering with an individual's educational or work performance; or
- c. Otherwise adversely affects an individual's educational or employment opportunities.

3. Discrimination:

Any behavior, expression, or activity that stigmatizes or victimizes individuals or groups of people because of their personal attributes, including sex, race, color, national origin, religion, sexual orientation, military status, or disability, and that:

- a. Involves an express or implied threat to an individual's educational efforts, participation in school-sponsored extra-curricular activities, terms or conditions of employment, or personal safety; or
- b. Has the purpose of interfering with an individual's educational efforts, participation in school-sponsored extra-curricular activities, terms or conditions of employment, or personal safety; or
- c. Creates an intimidating, hostile, demeaning, or offensive educational or work environment.

**B. REPORTING**

The District is committed to resolving complaints of violations of this policy as quickly and efficiently as possible.

Any student or employee who believes he/she has been subjected to sexual harassment, discriminatory harassment, or discrimination by another person is encouraged, but not required, to notify the offender in an effort to stop the behavior.

If a student or employee believes he/she has been sexually harassed, discriminately harassed, or discriminated against or has knowledge that others have been subjected to such behavior, he/she should report the incident to the Director of EEO/Title IX Coordinator.

A report can be submitted verbally or in writing.

A written report can be made by completing the Sexual Harassment, Discriminatory Harassment, and/or Discrimination Complaint Form, attached to this policy and available in each school and department, or by e-mail or letter submitted to the Director of EEO/Title IX Coordinator. Oral reports shall be considered complaints as well. All complaints shall be handled in accordance with District procedure.

**C. INVESTIGATION**

Upon receipt of a complaint alleging a violation of this policy, the Director of EEO / Title IX Coordinator shall promptly undertake or authorize investigation. That investigation may be conducted by District officials or by a third party designated by the District. Whether a particular incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances. In determining whether the alleged conduct constitutes a violation of this policy, the investigating individual may consider:

- a. The nature of the behavior
- b. The relationship between the parties involved
- c. Where the harassment occurred
- d. Any past incidents involving the same individuals
- e. Whether the conduct adversely affects the work environment
- f. The context in which the alleged incidents occurred.

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During the course of an investigation under this policy, the investigating individual may conduct interviews with the complainant, alleged victim, alleged offender, any identified witnesses, or any other individuals deemed necessary by the investigating individual, as well as a review of pertinent documents.

An alleged offender will be informed of the allegation(s), the facts surrounding the allegation(s), and will be provided an opportunity to respond to the allegations and to submit evidence in his/her defense for the investigator's consideration.

The District aims to complete all investigations within 60 calendar days of the initial report. However, there may be some investigations that cannot be completed within 60 calendar days. In such cases, the District will communicate to the complainant that the investigation is going to take longer than 60 calendar days and in doing so will indicate when the District believes it will complete the investigation.

After conclusion of the investigative process, the investigating individual shall submit written reports of his/her conclusions to the Director of EEO/Title IX Coordinator. The finding about whether or not there is a violation of this policy will be communicated to the complainant and the alleged offender. However, any sanction imposed will not be communicated with the complainant. Reports to the alleged victim and alleged offender may be conclusory in nature and need not identify witnesses interviewed, statements offered, or evidence collected. The results of the investigation of each complaint filed under these procedures will be reported in accordance with state and federal laws regarding data or records privacy, and consistent with the privacy rights of the alleged harasser.

The District's obligation to conduct this investigation shall not be extinguished by the fact that a criminal investigation involving the same or similar allegations is also pending or has been concluded.

### **D. SCHOOL DISTRICT ACTION**

If a violation of this policy has occurred, the District will take prompt, appropriate action to address the violation. Appropriate actions related to students may include but are not limited to counseling, awareness training, parent-teacher conferences, warning, suspension, expulsion, transfer, or exclusion. Appropriate actions related to employees may include but are not limited to counseling, awareness training, warning, transfer, termination or discharge. District action taken for violation of this policy shall be consistent with the requirements of applicable collective bargaining agreements, student codes of conduct, state and federal law, and the District's policies on disciplinary action.

The School District will respect the privacy of the complainant, the individuals against whom the complaint is filed, and the witnesses as much as possible, consistent with the District's legal obligation to investigate, to take appropriate action, and to conform to any discovery or disclosure obligations.

In the event that the evidence suggests that the violation at issue is also a crime in violation of an Ohio criminal statute, the Director of EEO/Title IX Coordinator shall report the results of the investigation to the appropriate law enforcement agency charged with responsibility for handling such crimes.

Copies of all complaints and the investigations conducted pursuant to this policy shall be maintained for a period in accordance with the state statutes of limitations by the Director of EEO/Title IX Coordinator.

#### **E. REPRISAL**

Submission of a good faith complaint or report pursuant to this policy will not affect the complainant or reporter's educational or work status, environment, or assignments.

Students and employees are prohibited from deliberately making false complaints of sexual harassment, discriminatory harassment, or discrimination. Students and employees found responsible for deliberately making false reports of sexual harassment, discriminatory harassment, or discrimination may be subject to a full range of disciplinary consequences.

Retaliation of any type against any person who reports an alleged violation of this policy, or who testifies, assists, or participates in an investigation or hearing related to such a violation is not tolerated by the District. The District will discipline any student, teacher, administrator or other school personnel who engages in retaliation, including possible termination or expulsion. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

#### **F. ENFORCEMENT**

The District has designated the Director of EEO/Title IX Coordinator as the District personnel with responsibility to identify, prevent, and remedy sexual harassment, discriminatory harassment, and discrimination. This individual shall:

- a. Receive complaints of sexual harassment, discriminatory harassment, and discrimination;
- b. Oversee the investigative process;
- c. Be responsible for assessing the training needs of the District's staff;
- d. Arrange for necessary training;
- e. Insure that any investigation is conducted by an impartial investigator who has been trained in the requirements of equal employment opportunity.

The District shall conspicuously post notice of this policy in its administration buildings and in each school that the District maintains, in a place accessible to students, faculty, administrators, employees, parents and members of the public. This notice shall include the name, mailing address, and telephone number of the Director of EEO/Title IX Coordinator, the mailing address and telephone number of the United States Equal Employment Opportunity Commission and information for accessing this policy online.

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A copy of this policy shall appear in the student and employee handbooks and shall be made available upon request of any employee and other interested parties.

The District will develop a method of discussing this policy with employees. Related training will be provided to all administrative personnel and school personnel on an annual basis, and at such other times as the CEO, in consultation with the Director of EEO/Title IX Coordinator, determines is necessary or appropriate.

The CEO or his/her designee shall report to the Board periodically pursuant to Policy CL-Administrative Reports.

### **CONTACTS:**

Director of Equal Employment Opportunity/Title IX Coordinator  
Wayne J. Belock, Esq.  
1111 Superior Avenue East, Suite 1800  
Cleveland, Ohio 44114  
Phone: 216.838.0070  
FAX: 216.436.5064

Equal Employment Opportunity Commission  
Cleveland Field Office  
Anthony J. Celebrezze Federal Building  
1240 E. 9th Street, Suite 3001  
Cleveland, OH 44199  
Telephone: 1.800.669.4000

Office for Civil Rights  
U.S. Department of Education  
1350 Euclid Avenue, Suite 325  
Cleveland, OH 44115-1812  
Telephone: 216.522.4970  
Email: [OCR.Cleveland@ed.gov](mailto:OCR.Cleveland@ed.gov)

## XI. CORPORAL PUNISHMENT, STUDENT RESTRAINT, AND SECLUSION

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 school environment should be one that ensures the care, safety and welfare of all students and staff members. Efforts to promote positive interactions and solutions to potential conflict should be exhaustive. In the event that an individual's behavior presents a threat of imminent harm to self or others, the use of approved physical intervention or seclusion strategies to maintain a safe environment may be used as a last resort.

Given an immediate risk of physical harm to the student or others and no other safe and effective interventions are possible, trained teachers and school staff may apply a physical restraint or seclude a student in accordance with the procedures enumerated in District Policy JP. If a physical restraint or seclusion is utilized, the employee is required to report and follow up on the event in accordance with District Policy JP.

The appropriate use of restraint and seclusion techniques and the elimination of corporal punishment are continually monitored. Parents may present written complaints to the Principal of their child's school to initiate a complaint investigation by the District regarding an incident of corporal punishment, improper restraint, or improper seclusion.

For more information, please review Board Policy JP, accessible at [ClevelandMetroSchools.org](http://ClevelandMetroSchools.org) under the "Board Policies" sidebar in the "Board" section.

## XII. 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, guardian or legal custodian, and the building's referral team. The sending school will forward the referral packet to the Office of Hearings and Appeals for review before the referral is forwarded to the appropriate center. School staff will interview the student and parent, guardian or legal custodian. 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.

### XIII. STUDENT ASSIGNMENTS

#### **A. Regular Assignment**

The Board determines attendance areas for the various schools of the District. The CEO 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.

#### **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 intra-district open-enrollment policy.

The CEO is vested with the authority to assign students to schools. The CEO 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 CEO 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, guardian or legal custodian should contact Dr. Marcia Zashin, District Liaison, Project ACT 216.838.0210 at the District Office, 1111 Superior Avenue E, Suite 1800, Cleveland, OH 44114, or go to [ClevelandMetroSchools.org/ProjectACT](http://ClevelandMetroSchools.org/ProjectACT).

### XIV. STUDENT ATTENDANCE

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

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

#### **B. Parent(s), Legal Guardian(s) or Legal Custodian 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 the 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;
2. maintain accurate and electronically accessible student attendance records.

Absences will be considered “excused” for the following reasons:

1. Personal illness - The approving authority may require the certificate of a physician if he/she deems it advisable.
2. Illness in the family - The approving authority may require a written statement from a physician and an explanation as to why the child’s absence was necessary.
3. Quarantine of the home - The absence of a child from school under this condition is limited to the length of quarantine as fixed by the proper health officials.
4. Death of a relative - The absence arising from this condition is limited to a period of three days unless a reasonable cause may be shown by the applicant child for a longer absence.
5. Observance of religious holidays - Any child of any faith shall be excused if his/her absence was for the purpose of observing a religious holiday consistent with his/her truly held religious beliefs.
6. Medical or dental appointment - The approving authority may require a written statement from a physician or dentist and an explanation as to why the child’s absence was necessary.
7. College visitation - The approving authority may require verification of the date and time of the visit by the college, university or technical college.
8. CEO’s judgment - Use the Attendance Verification Worksheet to indicate this reason.
9. Emergency or other set of circumstances - Circumstances which, in the judgment of the District CEO, constitute a good and sufficient cause for absence from school.

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, guardian or legal custodian should contact the Home Instruction Office at 216.838.0209 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 County 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, guardian or legal custodian 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. (Ohio Revised Code 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. A student must be in attendance at school in order to participate in any after-school or evening activity on that date.**

### XV. 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.

### XVI. 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 CEO, 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. Acceptable Internet 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 21st 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 a 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 any way.

For more information, please review Board Policy EDE, accessible at [ClevelandMetroSchools.org](http://ClevelandMetroSchools.org) under the "Board Policies" sidebar in the "Board" section.

### XVII. HUMANWARE AND SOCIAL EMOTIONAL LEARNING (SEL) SUPPORTS

Humanware/SEL is an important part of our strategic plan to address conditions for learning so that all students are academically and socially equipped to succeed. The conditions for learning include a safe, well-managed, respectful and supportive learning environment and opportunities

for social emotional learning, a process whereby scholars and adults acquire knowledge, skills and dispositions related to five core competencies: self-awareness, self-management, social awareness, relationship-building and responsible decision-making.

Humanware/SEL provides opportunities for all scholars to acquire social and emotional competencies through evidence-based programs that teach scholars to recognize strengths and emotions; manage emotions and behaviors to achieve goals; show understanding and empathy toward others; form positive relationships; work in teams; deal effectively with conflict; and make ethical and constructive choices about personal and social issues. Humanware/SEL advocates best practices to ensure that all human resources in a scholar's school, family and community function together so that scholars are learning in safe, supportive and successful schools.

The following SEL programs are designed to support scholars and help them develop problem-solving strategies with positive results.

### **Bullying Prevention**

The goal of bullying prevention is to decrease the prevalence of bullying and promote a safe, warm environment. This can be accomplished at the elementary, middle and high school levels through the use of a prevention model. We are integrating current Humanware/SEL tools that promote social skill building, self-control, critical thinking, decision making and the acceptance of differences. Not on Our Watch (N.O.W.) coordinators are encouraged in each building to support on-going bullying prevention programs and activities in schools.

### **Conflict Mediation**

Winning Against Violent Environments (W.A.V.E.) is an initiative in our district that focuses on Peer Conflict Mediation. It is primarily ideal in Grades 6-8. De-escalation techniques are used to deter and/or calm scholars down from situations that might otherwise escalate into violent behaviors. W.A.V.E. coordinators are encouraged in each building to support on-going conflict mediation practices in schools.

### **Planning Center**

The Planning Center is located at each school and is managed by a highly trained paraprofessional in each school. The Planning Center replaces the in-school suspension rooms that formerly existed in our schools. The goal of the Planning Center is to provide support and interventions for scholars, teachers and families with the goal of keeping scholars in school. The Planning Center promotes social and emotional learning in an individual or small group setting through evidence-based interventions. Assignments to the Planning Center are made by the building administrative team.

### **Student Support Team**

The Student Support Team (SST) is a problem-solving group of school staff located at each site. The team's goal is to address scholars' problems, including academic, behavior and/or attendance, in a timely manner through evidence-based interventions. Scholars faced with frequent challenges should be referred to the SST so that a plan can be developed to support them.

### XVIII. STUDENT BEHAVIORAL SUPPORTS

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, guardian or legal custodian in an effort to help the student;
- using available school and community resources to resolve problems; and
- instituting appropriate disciplinary actions.

The 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.

Following are some techniques a teacher or administrator may use:

- teacher conference (with student alone or with parent, guardian or legal custodian);
- principal conference (with student alone or with parent, guardian or legal custodian);
- parent/guardian/legal custodian contact by telephone;
- Right of Removal;
- Behavioral Contract (see Appendix A);
- detention;
- referral for counseling, psychological services or testing in order to identify and 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 CEO, alternatives to suspension or expulsion may include the performance of community service options.

#### **A. 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 student to successfully complete the contract is also given. The responsibilities of teacher(s) and/or administrator(s) complete the agreement. The agreement is signed by the appropriate parties, including parent, guardian or legal custodian if needed. The school keeps a copy. Behavioral contracting is an option available to school personnel and students to help correct Level 1 and Level 2 offenses. A sample behavioral contract can be found in Appendix A.

Incentives for behavioral contracts have to be agreed upon. An incentive is something that will encourage the student to satisfy the agreement. It can be a reward and/or a consequence provided by the school or parent, guardian or legal custodian. School incentives may include media center time, bonus points, token rewards, free movies or admission to a school event, etc. The parent, guardian or legal custodian 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 that is almost never written. It is succeeding in school and gaining the respect that success brings.

## **B. Mediation**

Mediation is a problem-solving method that allows two or more persons to identify conflicts and to develop a solution. Mediation is one of the corrective actions that may be used for Level 1 or Level 2 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 (W.A.V.E.) Conflict Resolution Program, call 216.432.4605.

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.

## **XIX. STUDENT 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**

- a. The Academic 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.
- b. 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. If requested by the principal, the office referral will later be supplemented by a more comprehensive written report from the teacher that must be submitted to the principal's office before the end of the school day or, in the case of an extracurricular activity, before noon on the following school day.
- c. 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, guardian or legal custodian of the student will be contacted as soon as practicable. If the parent, guardian or legal custodian cannot be reached, the Division of Safety and Security will be contacted for assistance.
- d. 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, guardian or legal custodian and appropriate school personnel.
- e. 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.

- f. If the Academic 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.

## XX. STUDENT DISCIPLINE

### 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, guardian or legal custodian. 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. 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;
- 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.

### C. 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 ten (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 CEO 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 2 or Level 3 offenses. A student may be suspended for specific violations identified as Level 4 offenses pending an expulsion determination by the CEO.

- a. Students will not be suspended for Level 1 offenses unless the principal determines the offenses to be chronic in nature.
- b. Students who commit Level 2 offenses may be suspended by the principal for up to five (5) school days.
- c. Students who commit Level 3 offenses may be suspended by the principal for up to ten (10) school days.
- d. Students who commit Level 4 offenses may be suspended by the principal for up to ten (10) school days pending an expulsion determination by the CEO.
- e. K–3 students may be suspended for Level 2 and Level 3 infractions only with appropriate notification and support documentation to the Academic Superintendent.
- f. Only the principal, the Academic Superintendent or the CEO 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, 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.
- b. If, following the hearing, a principal suspends a student, the student must receive the white 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 or legal custodian by telephone if possible and will detain the student in school under supervision until either the arrival of the underage student's parent/guardian/legal custodian 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), guardian(s) or legal custodian(s). In the event a student is sent home before the end of the school day, the day will count as the first day of suspension in determining a student's suspension period.
- d. A Suspension Notice will be given to the student at the time of suspension and a copy will be mailed to the student's parent, guardian or legal custodian within 24 hours.
- e. A suspended student is not permitted on District property or at District activities during the suspension.

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- 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, guardian or legal custodian, guidance counselor and appropriate teachers will be present. The purpose of the conference is 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 Office of Student Hearings and Appeals for appropriate action.
- h. A student or parent, guardian or legal custodian who disagrees 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, guardian or legal custodian 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 decision of the Board of Education may be appealed by the student or parent, guardian or legal custodian 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. For any disciplinary action that causes a student with a disability to reach a cumulative total of more than ten days of suspension or expulsion in the same academic year, the building administrator must conduct a manifestation determination meeting with the IEP team within ten (10) days of the decision to suspend the student. All procedural safeguards regarding special education students must be followed. For more information, please contact the Division of Special Education at 216.838.7733.

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 Office of Student Hearings and Appeals 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 every 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.

#### **D. 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 CEO.

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

##### **PROCEDURES**

- a. A student committing a Level 4 offense shall be considered for expulsion.
- b. A student committing a Level 3 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. This documentation should include a building administrator's assessment of the severity of the offense and any mitigating circumstances that should be considered at the expulsion hearing.
- d. Before a student is expelled from school, the CEO or designee shall give the student and his/her parent, guardian or legal custodian 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 CEO or designee may grant an extension of time at the request of the student, parent, guardian or legal custodian, or his/her representative. If an extension of time is granted, the CEO or designee must inform the student or his/her parent, guardian or legal custodian 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 CEO shall notify the parent, guardian or legal custodian in writing within one (1) school day. This written notice shall include the reason for the expulsion and an explanation of procedures to appeal the expulsion. The CEO 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 eighteen (18).
- g. A student or his/her parent(s), guardian(s) or legal custodian(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, guardian or legal custodian to the court system.
- j. For any disciplinary action that causes a student with a disability to reach a cumulative total of more than ten (10) days of suspension or expulsion in the same academic year, the building administrator must conduct a manifestation determination meeting with the IEP team within ten (10) days of the decision to suspend the student. All procedural safeguards regarding special education students must be followed. For more information, please contact the Division of Special Education at 216.838.7733.
- k. Expelled students are withdrawn from the Cleveland Metropolitan School District. When the period of expulsion has ended, an expelled student may be re-enrolled 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.
- l. 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 his/her home school without the written agreement of both the Cleveland Teachers Union 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.

### **E. Permanent Exclusion**

Only the CEO 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 permanent exclusion of a student sixteen (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 ordnance, 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.

## **F. Referral to Court**

Some conduct prohibited by the District's policy on student discipline is also prohibited by Ohio criminal law. The law requires the reporting of certain crimes to law enforcement officials. Therefore, violations of the District's Policy on Student Discipline may result in the student being referred to an appropriate court of law. This reporting may be undertaken in addition to disciplinary and/or corrective measures taken by school authorities.

## **G. Suspension, Expulsion, and Permanent Exclusion from the School Bus**

Students who ride either District or RTA buses to and from school are expected to comply with the same rules that govern their behavior while they are in school.

Students whose conduct on a District or RTA bus does not meet the behavioral standards identified in this handbook may be disciplined in accordance with the procedures outlined in this handbook the same as if their conduct occurred within their school building.

In addition to the corrective actions and supports identified elsewhere in this handbook, Building Administrators have the legal authority, following required due process, for suspending students from a bus in cases of bus-related misbehavior.

The total duration of any bus suspension will not exceed the number of days stipulated in this student handbook for the underlying 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, guardian or legal custodian shall be notified immediately of a pending bus suspension.

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

In cases involving a student with a disability that prevents them from attending school without school bus transportation, corrective action in the form of a bus suspension or expulsion should only be used as a last resort. In the event a bus suspension is necessary in such an instance, the District will be responsible for providing another form of transportation to the student during the course of the bus suspension.

Any high school student found by any judicial system to have committed two or more nonviolent crimes (including, but not limited to, theft, criminal damaging, disorderly conduct, or menacing) related to conduct occurring on an RTA vehicle or at an RTA facility or stop may, at the discretion of the CEO or his/her designee, forfeit their privilege to receive RTA transportation or payment for a period of one year.

Any high school student found by a judicial system to have committed any violent crime (including, but not limited to, assault, robbery, any sex crime, arson, possession of a dangerous ordinance, or possession of any weapon prohibited by Cleveland Codified Ordinance Section 627.11) related to conduct occurring on an RTA vehicle or at an RTA facility or stop will forfeit their privilege to receive RTA transportation or payment for a period of one year.

Any high school student found by a judicial system to have committed any violent or nonviolent crime related to conduct occurring on an RTA vehicle or at an RTA facility or stop after a one year forfeiture and reinstatement of RTA transportation privileges will permanently forfeit his or her privilege to receive RTA transportation or payment.

Students who forfeit their RTA transportation privilege pursuant to this policy will not be provided any other means of transportation by the District, except that students who require transportation services pursuant to an individualized education program or 504 plan will be provided alternative transportation services by the District.

Students suspended, expelled, or permanently excluded 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 1 offenses.

### **H. 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.

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 and operated property. Some examples include athletic meets and games, field trips, contests and concerts, as well as on 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 and 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.

The specific offenses and the possible forms of corrective action the District may utilize to address each infraction are identified in the following charts:

<b>Level 1 Offenses / Remedies*</b>	Principal's referral to the Student Support Team or Planning Center	Teacher's Right of Removal from classroom	Teacher or Principal conference, with or without parent / guardian	Parent / guardian contact by telephone	Detention	Office referral	Behavioral Contract (see Appendix A, page 43)	Other reasonable consequences aligned to the student's inappropriate behavior
1A. Possession or use of tobacco products or substitutes at school**	P	P	P	P	P	P	P	P
1B. Failing to attend school or class on time	P	P	P	P	P	P	P	P
1C. Failing to attend all assigned classes	P	P	P	P	P	P	P	P
1D. Deceptively submitting another's work, writing, or ideas as one's own school work	P	P	P	P	P	P	P	P
1E. Falsifying another person's signature	P	P	P	P	P	P	P	P
1F. Cheating on examinations	P	P	P	P	P	P	P	P
1G. Distributing materials on school property that disturb the educational process	P	P	P	P	P	P	P	P

**P = Possible Corrective Action Item**

\* Repeated or chronic occurrence of Level 1 offenses may result in suspension as a Level 2A offense.

\*\* 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 twenty (20) hours of community service or suspend driving privileges for up to thirty (30) days.

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<b>Level 2 Offenses / Remedies</b>	Any remedy available for Level 1 infraction	School or agency mediation program	Suspension of 1 to 5 days, depending on severity or recurrence of violation	Other reasonable consequences aligned to the student's inappropriate behavior
2A. As defined by the Principal, chronic violation of Level 1 offenses	P	P	P	P
2B. Leaving school without permission	P	P	P	P
2C. Engaging in or causing a disruption on a school bus	P	P	P	P
2D. Threatening to harm another person or intentionally causing them to fear for their personal safety	P	P	P	P
2E. Possessing alcohol on school property	P	P	P	P
2F. Coming to school under the influence of drugs or alcohol or causing an administrator to believe the student is under the influence of drugs or alcohol	P	P	P	P
2G. Intentionally causing or participating in a classroom or school disruption	P	P	P	P
2H. Using abusive or profane language	P	P	P	P
2I. Failing to adhere to school culture or directives of school personnel	P	P	P	P
2J. Fighting, hitting, or pushing another student	P	P	P	P
2K. Gambling on school premises	P	P	P	P
2L. Trespassing, entering a school to which the student is not assigned without signing in at the office, entering a school from which the student is suspended without permission from the Principal, or bringing an unauthorized visitor to the school	P	P	P	P
2M. Participating in hazing activities	P	P	P	P
2N. Displaying excessive mutual affection	P	P	P	P
2O. Creating a condition that is unsafe to others	P	P	P	P
2P. Repeated violations of the school uniform and dress code policy	P	P	P	P
2Q. Repeated violations of the cell phone and electronic device policy	P	P	P	P

**P = Possible Corrective Action Item**

<b>Level 3 Offenses / Remedies</b>	Any remedy available for Level 1 or Level 2 infraction	Parent / Guardian Contact	Referral to Student Support Team	Suspension of 1 to 10 days, depending on severity or recurrence of violation	Principal's or CEO's consideration for expulsion	Involuntary Transfer to different school	Financial responsibility for damage to District property, if any	Other reasonable consequences aligned to the student's inappropriate behavior
3A. Using or bringing a weapon* or dangerous instrument** to school	P	M	M	P	P	P		P
3B. Verbally or physically threatening to injure or harm a school staff member or student	P	M	M	P	P	P		P
3C. Causing or attempting to cause physical injury to another person	P	M	M	P	P	P		P
3D. Sexually assaulting another person (as specified in ORC 2907.01)	P	M	M	P	P	P		P
3E. Sexual conduct (with or without consent), including all forms of sexual harassment	P	M	M	P	P	P		P
3F. Hate crimes	P	M	M	P	P	P	M	P
3G. Possessing, using, or distributing drugs, counterfeit drugs, or drug paraphernalia	P	M	M	P	P	P	M	P
3H. Burning or attempting to burn property	P	M	M	P	P	P	M	P
3I. Stealing, attempting to steal, or possessing stolen property	P	M	M	P	P	P	M	P
3J. Stealing or attempting to steal any motor vehicle from school property	P	M	M	P	P	P	M	P
3K. Damaging or attempting to damage property	P	M	M	P	P	P	M	P
3L. Forcibly entering a school building, locker, room, or secured enclosure	P	M	M	P	P	P	M	P
3M. Extorting or attempting to extort money or property	P	M	M	P	P	P	M	P
3N. Causing a fire alarm to be falsely sounded	P	M	M	P	P	P		P
3O. Falsely communicating information that a bomb is located on District property	P	M	M	P	P	P		P
3P. Acting in concert with another or others to harm a lone individual	P	M	M	P	P	P		P
3Q. Bullying	P	M	M	P	P	P		P

**P = Possible Corrective Action Item**  
**M = Mandatory Corrective Action Item**

**STUDENT CODE OF CONDUCT**

\* 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

If the actions giving rise to discipline for any of the misconduct described above are committed by a student who is sixteen (16) years of age or older, and the student is convicted or adjudicated a delinquent child for a violation listed in ORC 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.

<b>Level 4 Offenses / Remedies</b>	Any remedy available for Level 1 or Level 2 infraction	Parent / Guardian Contact	Suspension of 1 to 10 days, depending on severity or reoccurrence of violation	Principal's or CEO's consideration for expulsion	Involuntary Transfer to different school	Financial responsibility for damage to District property, if any	Other reasonable consequences aligned to the student's inappropriate behavior
4A. Bringing a firearm*, knife**, or object indistinguishable from a firearm*** onto District property or to a District-sponsored event	P	M	P	M	P		P
4B. Possessing a firearm, knife, or object indistinguishable from a firearm on District property or at a District-sponsored event	P	M	P	M	P		P
4C. Commission of an act that is a criminal offense when committed by an adult	P	M	P	M	P	M	P

**P = Possible Corrective Action Item**  
**M = Mandatory Corrective Action Item**

\*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.

\*\*\* An object indistinguishable from a firearm means any object made, constructed, or altered so that, to a reasonable person without specialized training in firearms, the object appears to be a firearm, whether or not the object is capable of being fired.

If the actions giving rise to expulsion for any of the misconduct described above are committed by a student who is sixteen (16) years of age or older and the student is convicted or adjudicated a delinquent child for a violation listed in ORC 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.

## XXI. GRIEVANCE PROCESS

Step 1: Any student (assisted by parent/guardian/legal custodian) with a complaint not resolved by informal conferences may communicate in writing this concern to the Principal or the Principal's designee within ten (10) days of the incident.

Step 2: If the principal or designee is unable to resolve the complaint to the student's satisfaction within ten (10) days after the request, the student (assisted by a parent, guardian or legal custodian) may submit a letter of grievance to the Academic Superintendent who will respond within ten (10) days.

Step 3: If the Academic Superintendent is unable to resolve the complaint to the student's satisfaction within ten (10) days of the request, the student (assisted by a parent, guardian, or legal custodian) may telephone the Ombudsman's Office.

The Ombudsman's Office is designed to assist parents, students and members of the broader community in resolving 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 216.838.0090.

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

## XXII. 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 job 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.

Q: How do I obtain a Work Permit?

A. Applications may be obtained from the Office of Student Hearings and Appeals, the current school of attendance or online at <https://apps.com.ohio.gov/dico/minorworkpermit/>

### **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 permit certificates cannot 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 twelve (12) months.

Contact the Work Permit Office at 216.838.0323 for assistance.

**Appendix A**  
**BEHAVIORAL CONTRACT**  
**CLEVELAND METROPOLITAN SCHOOL DISTRICT**

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 \_\_\_\_\_ Teacher \_\_\_\_\_

Administrator \_\_\_\_\_ Date \_\_\_\_\_

Parent \_\_\_\_\_

STUDENT CODE OF CONDUCT

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**Appendix B**  
**SEXUAL HARASSMENT, HARASSMENT,**  
**AND/OR DISCRIMINATION COMPLAINT FORM**

Date of Report \_\_\_\_\_ Complainant Name \_\_\_\_\_

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

Phone Number \_\_\_\_\_ Position or Grade \_\_\_\_\_

Building \_\_\_\_\_

Date and Time of Alleged Violation \_\_\_\_\_

Location of Alleged Violation \_\_\_\_\_

Name of Alleged Offender \_\_\_\_\_ Position or Grade \_\_\_\_\_

Building \_\_\_\_\_

If the alleged violation was directed towards another individual, identify that individual:

---

Type of Alleged Violation (circle at least one):

Sexual Harassment

Discriminatory Harassment

Discrimination

If Discriminatory Harassment or Discrimination, on the basis of which protected classification is the violation alleged to have occurred? (circle at least one):

Race

Sex

Color

National Origin

Religion

Sexual Orientation

Disability

Description of the Incident(s) (attach additional pages, if necessary) \_\_\_\_\_

---

Name of Witnesses, if any, and Description of Involvement \_\_\_\_\_

Your Reaction \_\_\_\_\_

---

This complaint is based upon my honest belief that the above-alleged offender has sexually harassed, discriminately harassed, or discriminated against me 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.

Signature of Complainant \_\_\_\_\_ Date \_\_\_\_\_

Please Submit Completed Form to:

Wayne J. Belock, Esq.

Director of Equal Employment Opportunity / Title IX Coordinator

1111 Superior Avenue East, Suite 1800

Cleveland, Ohio 44114

Phone: 216.838.0070 FAX: 216.436.5064

**Appendix C**  
**DIRECTORY INFORMATION OPT-OUT**

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 box below 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 box below 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.

*Please write legibly and return this form to your child's school secretary.*

Student Name: \_\_\_\_\_

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

School: \_\_\_\_\_

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

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

Parent/Guardian/Legal Custodian Signature: \_\_\_\_\_

Parent/Guardian/Legal Custodian Print Name: \_\_\_\_\_

Date \_\_\_\_\_

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
- 3313.64 ..... 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
- 4501.62 ..... Motor Vehicles and Licensing
- 3313.666 ..... Harassment and Bullying
- 3313.671 ..... Immunization

**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**

- Americans with Disabilities Act
- Civil Rights Act of 1964
- 20 U.S.C. 1232g ..... FERPA - Family Educational Rights and Privacy Act
- HIPAA - Health Insurance Portability and Accountability
- No Child Left Behind Act of 2001
- Rehabilitation Act of 1973 (Section 504)
- Title IX of the Education Amendments of 1972

## NOTICE TO LIMITED ENGLISH PROFICIENCY PARENTS

The Cleveland Metropolitan School District has free language assistance available for Limited English Proficiency (“LEP”) parents with respect to school programs and activities. To be eligible for assistance, a parent does not have to be of limited English proficiency in speaking, reading, writing and comprehending English in order to be considered LEP, but, rather, that it is only necessary that a parent be limited in at least one (1) of these areas in order to be eligible to receive language assistance as needed. The Cleveland Metropolitan School District will accept a parent’s assertion that he or she needs language assistance without requiring additional corroboration.

Principal or School Leader: \_\_\_\_\_  
(name)

Phone: \_\_\_\_\_

Eric S. Gordon  
Chief Executive Officer

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