



## **STUDENT CODE OF CONDUCT**

**2022/2023 SY**

The Hamilton City School District is committed to providing a safe and secure learning environment for all students. Clear expectations regarding behavior will assist the district in achieving that goal. The purpose of this booklet is to outline the district's behavioral and dress expectations for students, parents, and community.

It is our expectation that all students will adhere to the rules in the Discipline and Code of Conduct handbook. The district's long-term goal is that students will consistently demonstrate the ability to make the right choices and demonstrate good citizenship.

The Code of Conduct applies while a student is in the care or custody and/or on school grounds, or closely proximate thereto, while at a school-sponsored function or activity or on school-owned or provided transportation vehicles.

In addition, the Student Code of Conduct governs a student's conduct at all times: on or off school property, when such student conduct is reasonably related to the health and safety of other students and/or school employees, is directed at a district official or employee or the property of the official or employee, or such conduct would unreasonably interrupt the educational processes of the Hamilton City Schools.

This code of conduct is adopted by the Board of Education of the Hamilton City School District pursuant to Sections 3313.661 and 3313.662, Ohio Revised Code.

**Michael Holbrook**  
**Superintendent**  
**Hamilton City School District**

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## **BULLYING AND HARASSMENT**

### **POLICY 5517.01 - BULLYING AND OTHER FORMS OF AGGRESSIVE BEHAVIOR**

The Board of Education is committed to providing a safe, positive, productive, and nurturing educational environment for all of its students. The Board encourages the promotion of positive interpersonal relations between members of the school community.

Harassment, intimidation, or bullying toward a student, whether by other students, staff, or third parties is strictly prohibited and will not be tolerated. This prohibition includes aggressive behavior, physical, verbal, and psychological abuse, and violence within a dating relationship. The Board will not tolerate any gestures, comments, threats, or actions which cause or threaten to cause bodily harm or personal degradation. This policy applies to all activities in the District, including activities on school property, on a school bus, or while en route to or from school, and those occurring off school property if the student or employee is at any school-sponsored, school-approved, or school-related activity or function, such as field trips or athletic events where students are under the school's control, in a school vehicle, or where an employee is engaged in school business.

This policy has been developed in consultation with parents, District employees, volunteers, students, and community members as prescribed in R.C. 3313.666 and the State Board of Education's Model Policy.

Harassment, intimidation, or bullying means:

- A. any intentional written, verbal, electronic, or physical act that a student or group of students exhibits toward another particular student(s) more than once and the behavior both causes mental or physical harm to the other student(s) and is sufficiently severe, persistent, or pervasive enough that it creates an intimidating, threatening, or abusive educational environment for the other student(s); or
- B. violence within a dating relationship.

"Electronic act" means an act committed through the use of a cellular telephone, computer, pager, personal communication device, or other electronic communication devices.

Aggressive behavior is defined as inappropriate conduct that is repeated enough, or serious enough, to negatively impact a student's educational, physical, or emotional well-being. This type of behavior is a form of intimidation and harassment, although it need not be based on any of the legally protected characteristics, such as sex, race, color, national origin, marital status, or disability. It would include, but not be limited to, such behaviors as stalking, bullying/cyberbullying, intimidating, menacing, coercion, name-calling, taunting, making threats, and hazing.

Harassment, intimidation, or bullying also means cyberbullying through electronically transmitted acts (i.e., internet, e-mail, cellular telephone, personal digital assistance (PDA), or wireless hand-held device) that a student(s) or a group of students exhibits toward another particular student(s) more than once and the behavior both causes mental and physical harm to the other student and is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student(s).

Any student or student's parent/guardian who believes s/he has been or is the victim of aggressive behavior should immediately report the situation to the Building Principal or Assistant Principal, or the Superintendent. The student may also report concerns to teachers and other school staff who will be

responsible for notifying the appropriate Administrator or Board Official. Complaints against the Building Principal should be filed with the Superintendent. Complaints against the Superintendent should be filed with the Board President.

Every student is encouraged, and every staff member is required, to report any situation that they believe to be aggressive behavior directed toward a student. Reports may be made to those identified above.

All complaints about aggressive behavior that may violate this policy shall be promptly investigated. The Building Principal or appropriate administrator shall prepare a written report of the investigation upon completion. Such report shall include findings of fact, a determination of whether acts of harassment, intimidation, and/or bullying were verified, and, when prohibited acts are verified, a recommendation for intervention, including disciplinary action shall be included in the report. Where appropriate, written witness statements shall be attached to the report.

If the investigation finds an instance of harassment, intimidation, and/or bullying/cyberbullying by an electronic act or otherwise, has occurred, it will result in prompt and appropriate remedial and/or disciplinary action. This may include suspension or up to expulsion for students, up to discharge for employees, exclusion for parents, guests, volunteers, and contractors, and removal from any official position and/or a request to resign for Board members. Individuals may also be referred to law enforcement officials.

If, during an investigation of a reported act of harassment, intimidation and/or bullying/cyberbullying, the Principal or appropriate administrator believes that the reported misconduct may have created a hostile learning environment and may have constituted unlawful discriminatory harassment based on a Protected Class, the Principal will report the act of bullying and/or harassment to one of the Anti-Harassment Compliance Officers so that it may be investigated in accordance with the procedures set forth in Policy 5517 - Anti-Harassment.

Retaliation against any person who reports, is thought to have reported, files a complaint, or otherwise participates in an investigation or inquiry concerning allegations of aggressive behavior is prohibited and will not be tolerated. Such retaliation shall be considered a serious violation of Board policy and independent of whether a complaint is substantiated. Suspected retaliation should be reported in the same manner as aggressive behavior. Retaliation may result in disciplinary action as indicated above.

Deliberately making false reports about harassment, intimidation, bullying, and/or other aggressive behavior for the purpose of getting someone in trouble is similarly prohibited and will not be tolerated. Deliberately making false reports may result in disciplinary action as indicated above.

If a student or other individual believes there has been aggressive behavior, regardless of whether it fits a particular definition, s/he should report it and allow the administration to determine the appropriate course of action.

The District shall implement intervention strategies (AG 5517.01) to protect a victim or other person from new or additional harassment, intimidation, or bullying and from retaliation following such a report.

This policy shall not be interpreted to infringe upon the First Amendment rights of students (i.e., to prohibit a reasoned and civil exchange of opinions, or debate, that is conducted at appropriate times and places during the school day and is protected by State or Federal law).

The complainant shall be notified of the findings of the investigation, and as appropriate, that remedial action has been taken. If after investigation, acts of bullying against a specific student are verified, the Building Director or appropriate administrator shall notify the custodial parent/guardian of the victim of such finding.

In providing such notification, care shall be taken to respect the statutory privacy rights of the perpetrator of such harassment, intimidation, and/or bullying.

If after investigation, acts of harassment, intimidation, and/or bullying by a specific student are verified, the Building Director or appropriate administrator shall notify in writing the custodial parent/guardian of the perpetrator of that finding. If disciplinary consequences are imposed against such student, a description of such discipline shall be included in the notification.

### **Complaints**

Students and/or their parents/guardians may file reports regarding suspected harassment, intimidation, or bullying. Such reports shall be reasonably specific including person(s) involved, number of times and places of the alleged conduct, the target of suspected harassment, intimidation, and/or bullying, and the names of any potential student or staff witnesses. Such reports may be filed with any school staff member or administrator, and they shall be promptly forwarded to the Building Director for review, investigation, and action.

Students, parents/guardians, and school personnel may make informal or anonymous complaints of conduct that they consider to be harassment, intimidation, and/or bullying by verbal report to a teacher, school administrator, or other school personnel. Such complaints shall be reasonably specific including person(s) involved, number of times and places of the alleged conduct, the target of suspected harassment, intimidation, and/or bullying, and the names of any potential student or staff witnesses. A school staff member or administrator who receives an informal or anonymous complaint shall promptly document the complaint in writing, including the information provided. This written report shall be promptly forwarded by the school staff member and/or administrator to the Building Director for review, investigation, and appropriate action.

Individuals who make informal complaints as provided above may request that their name be maintained in confidence by the school staff member(s) and administrator(s) who receive the complaint. Anonymous complaints shall be reviewed and reasonable action shall be taken to address the situation, to the extent such action may be taken that (1) does not disclose the source of the complaint, and (2) is consistent with the due process rights of the student(s) alleged to have committed acts of harassment, intimidation, and/or bullying.

When an individual making an informal complaint has requested anonymity, the investigation of such complaint shall be limited as is appropriate in view of the anonymity of the complaint. Such limitation of investigation may include restricting action to a simple review of the complaint subject to receipt of further information and/or the withdrawal by the complaining student of the condition that his/her report be anonymous.

### **Privacy/Confidentiality**

The School District will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under this policy and its related administrative guidelines shall be maintained as confidential to the extent permitted by law.

## **Reporting Requirement**

At least semi-annually, the Superintendent shall provide to the President of the Board a written summary of all reported incidents and post the summary on the District website. . The list shall be limited to the number of verified acts of harassment, intimidation, and/or bullying, whether in the classroom, on school property, to and from school, or at school-sponsored events.

Allegations of criminal misconduct and suspected child abuse will be reported to the appropriate law enforcement agency and/or to Child Protective Services in accordance with statute. District personnel shall cooperate with investigations by such agencies.

## **Immunity**

A School District employee, student, or volunteer shall be individually immune from liability in a civil action for damages arising from reporting an incident in accordance with this policy and R.C. 3313.666 if that person reports an incident of harassment, intimidation, and/or bullying promptly, in good faith, and in compliance with the procedures specified in this policy. Such immunity from liability shall not apply to an employee, student, or volunteer determined to have made an intentionally false report about harassment, intimidation, and/or bullying.

## **Notification**

Notice of this policy will be annually circulated to and posted in conspicuous locations in all school buildings and departments within the District and discussed with students, as well as incorporated into the teacher, student, and parent/guardian handbooks. At least once each school year, a written statement describing the policy and consequences for violations of the policy shall be sent to each student's custodial parent or guardian. The statement may be sent with regular student report cards or may be delivered electronically.

The policy and an explanation of the seriousness of bullying by electronic means shall be made available to students in the District and to their custodial parents or guardians.

State and Federal rights posters on discrimination and harassment shall also be posted at each building. All new hires will be required to review and sign off on this policy and the related complaint procedures.

## **Education and Training**

In support of this policy, the Board promotes preventative educational measures to create greater awareness of aggressive behavior, including bullying and violence within a dating relationship. The Superintendent or designee shall provide appropriate training to all members of the School District community related to the implementation of this policy and its accompanying administrative guidelines. All training regarding the Board's policy and administrative guidelines about aggressive behavior and bullying in general, will be age and content appropriate.

Annually, the District shall provide all students enrolled in the District with age-appropriate instruction regarding the Board's policy, including a written or verbal discussion of the consequences for violations of the policy to the extent that State or Federal funds are appropriated for this purpose.

Students in grades seven (7) through twelve (12) shall receive age-appropriate instruction in dating violence prevention education, including instruction in recognizing dating violence warning signs and characteristics of healthy relationships. Parents, who submit a written request to the Building Director to examine the dating violence prevention instruction materials used in the school, will be afforded an opportunity to review the

materials within a reasonable period of time.

The District shall provide training, workshops, and/or courses on this policy for school employees and volunteers who have direct contact with students, to the extent that State or Federal funds are appropriated for these purposes. Time spent by school staff in these training programs shall apply toward mandated continuing education requirements.

In accordance with Board Policy 8462, the Superintendent shall include a review of this policy on bullying and other forms of harassment in the required training in the prevention of child abuse, violence, and substance abuse and the promotion of positive youth development. The Superintendent shall develop administrative guidelines to implement this policy. Guidelines shall include reporting and investigative procedures, as needed. The complaint procedure established by the Superintendent shall be followed.

## **NONDISCRIMINATION**

### **POLICY 2260 - NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY**

Any form of discrimination or harassment can be devastating to an individual's academic progress, social relationship and/or personal sense of self-worth. As such, the Board of Education does not discriminate on the basis of race, color, national origin, sex (including sexual orientation or gender identity), disability, age (except as authorized by law), religion, military status, ancestry, or genetic information (collectively, "Protected Classes") in its educational programs or activities.

The Board also does not discriminate on the basis of Protected Classes in its employment policies and practices as they relate to students, and does not tolerate harassment of any kind.

Equal educational opportunities shall be available to all students, without regard to the Protected Classes, age (unless age is a factor necessary to the normal operation or the achievement of any legitimate objective of the program/activity), place of residence within the boundaries of the District, or social or economic background, to learn through the curriculum offered in this District. Educational programs shall be designed to meet the varying needs of all students.

In order to achieve the aforesaid goal, the Superintendent shall:

#### **A. Curriculum Content**

Review current and proposed courses of study and textbooks to detect any bias based upon the Protected Classes; ascertaining whether or not supplemental materials, singly or taken as a whole, fairly depict the contribution of both genders, various races, ethnic groups, etc. toward the development of human society;

#### **B. Staff Training**

Develop an ongoing program of in-service training for school personnel designed to identify and solve problems of bias based upon the Protected Classes in all aspects of the program;

#### **C. Student Access**

1. Review current and proposed programs, activities, facilities, and practices to verify that all



students have equal access thereto and are not segregated on the basis of the Protected Classes in any duty, work, play, classroom, or school practice, except as may be permitted under State and Federal laws and regulations;

2. Verify that facilities are made available, in accordance with Board Policy 7510 - Use of District Premises, for non-curricular student activities that are initiated by parents or other members of the community, including but not limited to any group officially affiliated with the Boy Scouts of America or any other youth group listed in Title 36 of the United States Code as a patriotic society;

#### **D. District Support**

Verify that like aspects of the District program receive like support as to staff size and compensation, purchase and maintenance of facilities and equipment, access to such facilities and equipment, and related matters;

#### **E. Student Evaluation**

Verify that tests, procedures, and guidance and counseling materials, which are designed to evaluate student progress, rate aptitudes, analyze personality, or in any manner establish or tend to establish a category by which a student may be judged, are not differentiated or stereotyped on the basis of the Protected Classes.

### **Definitions**

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

Complainant is the individual who alleges, or is alleged, to have been subjected to unlawful discrimination/retaliation, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged discrimination/retaliation.

Respondent is the individual who has been alleged to have engaged in unlawful discrimination/retaliation, regardless of whether the Reporting Party files a formal complaint or is seeking an informal resolution to the alleged discrimination/retaliation.

School District community means students and Board employees (i.e., administrators, and professional and classified staff), as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

Third Parties include, but are not limited to, guests and/or visitors on School District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the School District community at school-related events/activities (whether on or off District property).

Day(s): Unless expressly stated otherwise, the term "day" or "days" as used in this policy means a business day(s) (i.e., a day(s) that the Board office is open for normal operating hours, Monday - Friday, excluding State-recognized holidays).

## District Compliance Officers

The Board designates the following individuals to serve as the District's "Compliance Officers" (also known as "Civil Rights Coordinators") (hereinafter referred to as the "COs").

Executive Director of Human Resources Mrs. Jesse Weisbrod 533 Dayton Street Hamilton, OH 45011 (513) 868-4499 jweisbrod@hcsdoh.org	Executive Director of Student Services Mr. Brandon Stanfill 140 Ross Avenue Hamilton, OH 45013 (513) 868-4441 bstanfill@hcsdoh.org
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The names, titles, and contact information of these individuals will be published annually on the School District's website.

The COs are responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination, retaliation or denial of equal access. The COs shall also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination Act of 1975 is provided to students, their parents, staff members, and the general public. A copy of each of the Acts and regulations on which this notice is based may be found in the CO's office.

The Superintendent shall annually attempt to identify children with disabilities, ages 3-22, who reside in the District but do not receive public education.

The Board is committed to educating (or providing for the education of) each qualified person with a disability with persons who are not disabled to the maximum extent appropriate. Generally, the District will place a person with a disability in the regular educational environment unless it is demonstrated that the education of the person in the regular environment, even with the use of supplementary aids and services cannot be achieved satisfactorily. If the Board operates a separate class or facility that is identifiable as being for persons with disabilities, the facility, program, and activities and services must be comparable to the facilities, programs, and activities and services offered to students without a disability.

In addition, the Superintendent shall establish procedures to identify students who are Limited English Proficient (LEP), including immigrant children and youth, to assess their ability to participate in District programs, and develop and administer a program that meets the English language and academic needs of these students. This program shall include procedures for student placement, services, evaluation, and exit guidelines and shall be designed to provide students with effective instruction that leads to academic achievement and timely acquisition of proficiency in English. As a part of this program, the District will evaluate the progress of students in achieving English language proficiency in the areas of listening, speaking, reading and writing, on an annual basis (see AG 2260F). The Superintendent is responsible for verifying that a concentration of students who are Limited English Proficient (LEP) in one (1) or more programs is not the result of discrimination.

## Reports and Complaints of Unlawful Discrimination and Retaliation

Students and Board employees are required, and all other members of the School District community and Third Parties are encouraged to promptly report incidents of unlawful discrimination and/or retaliation to a teacher, administrator, supervisor, or other District official so that the Board may address the conduct. Any

teacher, administrator, supervisor, or other District employee or official who receives such a complaint shall file it with the CO within two (2) days.

Members of the School District community, which includes students or Third Parties, who believe they have been unlawfully discriminated/retaliated against are entitled to utilize the complaint process set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the Complainant's employment or participation in educational or extra-curricular programs. While there are no time limits for initiating complaints under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

If, during an investigation of alleged bullying, aggressive behavior and/or harassment in accordance with Policy 5517.01 - Bullying and Other Forms of Aggressive Behavior, the Principal believes that the reported misconduct may constitute unlawful discrimination based on a Protected Class, the Principal shall report the act to one of the COs who shall investigate the allegation in accordance with this policy. While the CO investigates the allegation, the Principal shall suspend the Policy 5517.01 investigation to await the CO's written report. The CO shall keep the Principal informed of the status of the Policy 2260 investigation and provide the Principal with a copy of the resulting written report.

The COs will be available during regular school/work hours to discuss concerns related to unlawful discrimination/retaliation. COs shall accept reports of unlawful discrimination/retaliation directly from any member of the School District community or a Third Party, or receive reports that are initially filed with another Board employee. Upon receipt of a report of alleged discrimination/retaliation, the CO will contact the Complainant and begin either an informal or formal complaint process (depending on the Complainant's request and the nature of the alleged discrimination/retaliation), or the CO will designate a specific individual to conduct such a process. The CO will provide a copy of this policy to the Complainant and the Respondent. In the case of a formal complaint, the CO will prepare recommendations for the Superintendent or oversee the preparation of such recommendations by a designee. All members of the School District community must report incidents of discrimination/retaliation that are reported to them to the CO within two (2) days of learning of the incident/conduct.

Any Board employee who directly observes unlawful discrimination/retaliation of a student is obligated, in accordance with this policy, to report such observations to one of the COs within two (2) business days. Additionally, any Board employee who observes an act of unlawful discrimination/retaliation is expected to intervene to stop the misconduct, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Board employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the CO/designee must contact the Complainant, if age eighteen (18) or older, or the Complainant's parents/guardians if the Complainant is under the age eighteen (18), within two (2) days to advise of the Board's intent to investigate the alleged wrongdoing.

### **Investigation and Complaint Procedure**

Except for sex discrimination and/or Sexual Harassment that is covered by Policy 2266 – Nondiscrimination on the Basis of Sex in Education Programs or Activities, any student who alleges to have been subjected to unlawful discrimination or retaliation may seek resolution of the complaint through the procedures described below. The formal complaint procedures involve an investigation of the individual's claims of discrimination/retaliation and a process for rendering a decision regarding whether the charges are substantiated.

Due to the sensitivity surrounding complaints of unlawful discrimination or retaliation, timelines are flexible for initiating the complaint process; however, individuals are encouraged to file a complaint within thirty (30) days after the conduct occurs. Once the formal complaint process is begun, the investigation will be

completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

The procedures set forth below are not intended to interfere with the rights of a student to pursue a complaint of unlawful discrimination or retaliation with the United States Department of Education Office for Civil Rights ("OCR"). The Cleveland Office of the OCR can be reached at 1350 Euclid Avenue, Suite 325, Cleveland, Ohio 44115; Telephone: (216) 522-4970; Fax: (216) 522-2573; TDD: (216) 522-4944; E-mail: ocr.cleveland@ed.gov; Web: <http://www.ed.gov/ocr>.

### **Informal Complaint Procedure**

The goal of the informal complaint procedure is to promptly stop inappropriate behavior and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student who alleges unlawful discrimination or retaliation. This informal procedure is not required as a precursor to the filing of a formal complaint.

The informal process is only available in those circumstances where the Complainant and the Respondent mutually agree to participate in it.

The Complainant may proceed immediately to the formal complaint process, and individuals who participate in the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complaints involving a District employee or any other adult member of the School District community and a student will be formally investigated.

As an initial course of action, if a Complainant feels comfortable and safe doing so, the individual should tell or otherwise inform the Respondent that the alleged harassing conduct is unwelcome and must stop. The Complainant should address the allegedly harassing conduct as soon after it occurs as possible. The Compliance Officers are available to support and counsel individuals when taking this initial step or to intervene on behalf of the Complainant if requested to do so. A Complainant who is uncomfortable or unwilling to directly approach the Respondent about the alleged inappropriate conduct may file an informal or a formal complaint. In addition, with regard to certain types of unlawful harassment, such as sexual harassment, the Compliance Officer may advise against the use of the informal complaint process.

A Complainant who alleges unlawful discrimination/retaliation may make an informal complaint, either orally or in writing: 1) to a teacher, other employee, or building administrator in the school the student attends; 2) to the Superintendent or other District-level employee; and/or 3) directly to one of the COs.

All informal complaints must be reported to one of the COs who will either facilitate an informal resolution as described below, or appoint another individual to facilitate an informal resolution.

The School District's informal complaint procedure is designed to provide the Complainant with a range of options aimed at bringing about a prompt resolution of their concerns. Depending upon the nature of the complaint and the Complainant's wishes, informal resolution may involve, but may not be limited to, one or more of the following:

- A. Advising the Complainant about how to communicate concerns to the Respondent.
- B. Distributing a copy of Policy 2260 - Nondiscrimination and Access to Equal Educational Opportunity to the individuals in the school building or office where the Respondent works or attends.

- C. If both parties agree, the CO may arrange and facilitate a meeting or mediation between the Complainant and the Respondent to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the CO or designee is directed to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint. If the Complainant is dissatisfied with the informal complaint process, the Complainant may proceed to file a formal complaint and, as stated above, either party may request that the informal process be terminated at any time to move to the formal complaint process.

### **Formal Complaint Procedure**

If a complaint is not resolved through the informal complaint process, if one of the parties requested that the informal complaint process be terminated to move to the formal complaint process, or if the Complainant, from the outset, elects to file a formal complaint, or the Compliance Officer(s) determines the allegations are not appropriate for resolution through the informal process, the formal complaint process shall be implemented.

The Complainant may file a formal complaint, either orally or in writing, with a teacher, Principal, or other District official at the student's school, the CO, Superintendent, or another District official who works at another school or at the District level. Due to the sensitivity surrounding complaints of unlawful discrimination, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a formal complaint within thirty (30) days after the conduct occurs. If a Complainant informs a teacher, Principal, or other District official at the student's school, Superintendent, or other District employee, either orally or in writing, about any complaint of discrimination/retaliation, that employee must report such information to the CO within two (2) business days.

Throughout the course of the process, the CO should keep the parties reasonably informed of the status of the investigation and the decision-making process.

All formal complaints must include the following information to the extent known: the identity of the Respondent; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the CO shall ask for such details in an oral interview. Thereafter, the CO will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the CO will consider whether any action should be taken in the investigatory phase to protect the Complainant from further discrimination or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the Respondent. In making such a determination, the CO should consult the Complainant to assess whether the individual agrees with the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO may still take whatever actions deemed appropriate in consultation with the Superintendent.

Within two (2) business days of receiving the complaint, the CO or designee will initiate a formal investigation to determine whether the Complainant has been subjected to unlawful discrimination/retaliation. The Principal will not conduct an investigation unless directed to do so by the CO.

Simultaneously, the CO will inform the Respondent that a formal complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including Policy 2260 - Nondiscrimination and Access to Equal Educational Opportunity. The Respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Although certain cases may require additional time, the CO or designee will attempt to complete an investigation into the allegations of discrimination/retaliation within fifteen (15) business days of receiving the formal complaint. The investigation will include:

- A. interviews with the Complainant;
- B. interviews with the Respondent;
- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;
- D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the CO or designee shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Respondent has engaged in unlawful discrimination/retaliation of the Complainant. The CO's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. In determining if unlawful discrimination or retaliation occurred, a preponderance of evidence standard will be used. The CO may consult with the Board's legal counsel before finalizing the report to the Superintendent.

Absent extenuating circumstances, within five (5) business days of receiving the report of the CO or designee, the Superintendent must either issue a written decision regarding whether the charges have been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the Complainant and the Respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) days. At the conclusion of the additional investigation, the Superintendent shall issue a final written decision as described above.

If the Superintendent determines the Respondent engaged in unlawful discrimination/retaliation toward the Complainant, the Superintendent must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.

The decision of the Superintendent shall be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful discrimination/retaliation regardless of whether the student alleging the unlawful discrimination/retaliation pursues the complaint. The Board also reserves the right to have the formal complaint investigation

conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

The parties may be represented, at their own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process is not a prerequisite to the pursuit of other remedies.

### **Privacy/Confidentiality**

The District will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided the Complainant's identity.

During the course of a formal investigation, the CO or designee will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to Third Parties any information that is learned or provided during the course of the investigation.

### **Sanctions and Monitoring**

The Board shall vigorously enforce its prohibitions against unlawful discrimination/retaliation by taking appropriate action reasonably calculated to stop and prevent further misconduct. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Board becomes aware that a prior remedial action has been taken against a member of the School District community, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

### **Retaliation**

Retaliation against a person who makes a report or files a complaint alleging unlawful harassment/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

### **Education and Training**

In support of this policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent shall provide appropriate information to all members of the School District community related to the implementation of this policy and shall provide training for District students and staff where appropriate. All training, as well as all information provided regarding the Board's policy and discrimination in general, will be age and content appropriate.

### **Retention of Investigatory Records and Materials**

The Compliance Officer(s) is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy must retain all information, documents, electronically stored information, and electronic media (as defined in Policy 8315) created and received as part of an investigation, which may include, but may not be limited to:

- A. all written reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- B. any narratives that memorialize oral reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- C. any documentation that memorializes the actions taken by District personnel or individuals contracted or appointed by the Board to fulfill its responsibilities related to the investigation and/or the District's response to the alleged violation of this policy;
- D. written witness statements;
- E. narratives, notes from, or audio, video, or digital recordings of witness interviews/statements;
- F. e-mails, texts, or social media posts that directly relate to or constitute evidence pertaining to an alleged violation of this policy (i.e., not after-the-fact commentary about or media coverage of the incident);
- G. notes or summaries prepared contemporaneously by the investigator in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.), but not including transitory notes whose content is otherwise memorialized in other documents;
- H. written disciplinary sanctions issued to students or employees and other documentation that memorializes oral disciplinary sanctions issued to students or employees for violations of this policy;



- I. dated written determinations/reports (including summaries of relevant exculpatory and inculpatory evidence) and other documentation that memorializes oral notifications to the parties concerning the outcome of the investigation, including any consequences imposed as a result of a violation of this policy;
- J. documentation of any supportive measures offered and/or provided to the Complainant and/or the Respondent, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;
- K. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;
- L. copies of the Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Code of Conduct and/or Employee Handbooks);
- M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment.

The information, documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

These investigative records and materials created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.

**ZERO TOLERANCE RELATED TO STUDENT DISCIPLINE**

**Policy 5600 - STUDENT DISCIPLINE**

The Board of Education acknowledges that conduct is closely related to learning - an effective instructional program requires an orderly school environment and the effectiveness of the educational program is, in part, reflected in the behavior of students.

The Board believes that the best discipline is self-imposed and that students should learn to assume responsibility for their own behavior and the consequences of their actions. The Board has zero tolerance of violent, disruptive or inappropriate behavior by its students.

The Board shall require each student of this District to adhere to the Student Code of Conduct/Student Discipline Code adopted by the Board and to submit to such disciplinary measures as are appropriately assigned for infraction of those rules. Such rules shall require that students:

- A. conform to reasonable standards of socially-acceptable behavior;
- B. respect the person and property of others;

- C. preserve the degree of order necessary to the educational program in which they are engaged;
- D. respect the rights of others;
- E. obey constituted authority and respond to those who hold that authority.

The Student Code of Conduct/Student Discipline Code designates sanctions for the infractions of rules, excluding corporal punishment, which shall:

- A. relate in kind and degree to the infraction;
- B. help the student learn to take responsibility for his/her actions;
- C. be directed, where possible, to reduce the effects of any harm which may have been caused by the student's misconduct.

Students may be prohibited by authorized school personnel from participating in all or part of co-curricular and/or extra-curricular activities without further notice, hearing or appeal rights. A student who has been disorderly on a school bus may be suspended from transportation services consistent with Board policy and the Student Code of Conduct/Student Discipline Code.

The Superintendent shall publish to all students and their parents the rules of this District regarding student conduct and the sanctions which may be imposed for breach of those rules.

The Superintendent shall inform the Board periodically of the methods of discipline imposed by this District and the incidence of student misconduct in such degree of specificity as shall be required by the Board.

The Superintendent, principals, and other administrators shall have the authority to assign discipline to students, subject to the Student Code of Conduct/Student Discipline Code and, where required by law, to the student's due process right to notice, hearing, and appeal.

Teachers, school bus drivers, and other employees of this Board having authority over students may take such action as may be necessary to control the disorderly conduct of students in all situations and in all places where such students are within the jurisdiction of this Board and when such conduct interferes with the educational program of the schools or threatens the health and safety of others.

Discipline on Board vehicles shall be the responsibility of the driver on regular bus runs. When Board vehicles are used for field trips and other Board activities, the teacher, coach, advisor, or other Board employee shall be responsible for student discipline. If a student becomes a serious discipline problem on a vehicle, the Superintendent and/or his/her designee may suspend the transportation privileges of the student providing such suspension conforms with due process. The procedures for suspension are set forth in the Student Code of Conduct/Student Discipline Code and Board Policy 5611 – Due Process Rights.

No student is to be detained after the close of the regular school day unless the student's parent has been contacted and informed that the student will be detained. If a parent cannot be contacted, the student should be detained on another day.

## **CODE OF CONDUCT**

A major component of the educational program (at the school) is to prepare students to become responsible citizens by learning how to conduct themselves properly and in accordance with established standards. Students are expected to behave in accordance with Federal, State and local laws and rules and Board policies and Administrative Guidelines, and in a way that respects the rights and safety of others. Staff will take corrective action to discipline a student and/or to modify the student's behavior when a student's behavior does not fall within these parameters.

School staff may report suspected criminal misconduct by a student to law enforcement. Law enforcement officers will be permitted to carry out necessary law enforcement functions in the schools, including the removal of a student from school grounds in appropriate circumstances.

## **EXPECTED BEHAVIORS**

Students are expected to:

- act courteously to adults and fellow students;
- be prompt to school and attentive in class;
- work cooperatively with others when involved in accomplishing a common goal regardless of the other's ability, gender, race, or ethnic background;
- complete assigned tasks on time and as directed;
- help maintain a school environment that is safe, friendly, and productive;
- act at all times in a manner that reflects pride in self, family, and in the School.

## **Classroom Environment**

It is the responsibility of students, teachers, and administrators to maintain a classroom environment that allows:

- A. a teacher to communicate effectively with all students in the class; and
- B. all students in the class the opportunity to learn.

## **Dress and Grooming**

Students are expected to dress appropriately at all times. Dress and grooming are rightfully the responsibility of the individual student and his/her parents. To be proper for school, dress and grooming should be clean, neat, and appropriate and should not constitute a safety or health hazard or be such that it might hamper the educational process.

Students should consider the following questions when dressing for school:

- Does my clothing expose too much?
- Does my clothing advertise something that is prohibited to minors?
- Are there obscene, profane, drug-related, gang-related, or inflammatory messages on my clothing?
- Am I dressed appropriately for the weather?
- Do I feel comfortable with my appearance?

Dress Code Guidelines:

1. Tops and bottoms must provide appropriate coverage at all times. Clothing must be worn in a manner that does not expose the torso, midriff, chest, cleavage, back, buttocks, or undergarments. Clothing with rips, tears, or holes, above mid-thigh, that exposes skin or undergarments, may not be worn
2. Lower garments are to be worn at waist level and must be properly fastened. Undergarments are not to be exposed when the student sits, stands, raises their hands, or bends over. Clothing with rips, tears, or holes, above mid-thigh, that exposes skin or undergarments, may not be worn
3. Hats, hoods, coats, bandanas, sunglasses, gloves, sweatbands, or other head coverings are not to be carried or worn during school hours. Hoods may not be worn over a student's head. The administration may approve the wearing of head coverings on an as-needed basis.
4. Clothing, jewelry, tattoos, body piercing, adornments, or other personal items may not be worn or displayed if they are contrary to the school's mission or cause a distraction or disruption to the educational process. Specifically, clothing, jewelry, tattoos, or other personal items which specifically or generally contain, promote, glorify, or refer to alcohol, drugs, tobacco, sexual innuendo or sexually suggestive contents, profane, vulgar, or lewd symbols or slogans, gangs or cults, antisocial or harassing behavior, hate, violence, death, suicide, gore, and/or blood shall not be worn or displayed. Tattoos, which do not conform to the requirement of this paragraph, must be covered.

Students who are representing the District at an official function or public event may be required to follow specific dress requirements. Usually, this applies to athletic teams, cheerleaders, bands, and other such groups.

These guidelines are not to be considered all-inclusive. Any fashion (dress, accessory, or hairstyle) that disrupts the educational process or presents a safety risk will not be permitted.

**Gangs**

Gangs that initiate, advocate, or promote activities that threaten the safety or well-being of persons or that are disruptive to the school environment will not be tolerated.

Incidents involving initiations, hazing, intimidation, or related activities that are likely to cause harm or

personal degradation are prohibited.

Students wearing, carrying or displaying gang paraphernalia or exhibiting behaviors or gestures that symbolize gang membership or causing and/or participating in activities that are designed to intimidate another student will be disciplined.

### **Care of Property**

Students are responsible for the care of their own personal property. The School is not responsible for personal property. Valuables such as jewelry or irreplaceable items should not be brought to school.

Damage to or loss of school equipment and facilities wastes taxpayers' money and undermines the school program. Therefore, if a student damages or loses school property, the student and/or his/her parents will be required to pay for the replacement or repair. If the damage or loss was intentional, the student will be subject to discipline according to the Student Discipline Code.

### **INFRACTIONS**

Any student engaging in the following types of conduct may be subject to disciplinary actions up to and including suspension/expulsion and exclusion from curricular activities as deemed necessary by administration pursuant to the Ohio Revised Code.

This code of conduct applies while a student is in the care, custody, or control of the school, on school grounds, or closely proximate thereto, while at a school-sponsored function or activity, or on school-owned or provided transportation vehicles. In addition, the Student Code of Conduct governs a student's conduct at all times: on or off school property, when such student conduct is reasonably related to the health and safety of other students and/or school employees, is directed at a district official or employee or the property of the official or employee, or such conduct would unreasonably interrupt the educational processes of the Hamilton City Schools. This code of conduct is adopted by the Board of Education of the Hamilton City School District pursuant to Sections 3313.661 and 3313.662, Ohio Revised Code.

The following types of conduct prohibited by this Code of Conduct are as follows:

#### **PART I      Administrative Discretion**

**School Administration will consider the severity of the violation and its action may result in emergency removal, suspension or recommendation for expulsion.**

**1      Improper Dress:**

Any fashion (dress, accessory, or hairstyle) that disrupts the educational process or presents a safety risk will not be permitted.

**2      Damaging Property (Vandalism):**

Defacing, cutting, or otherwise damaging property that belongs to the school, district, other students, employees or others and disregard for school property. Students and families are subject to restitution when determined appropriate.

**Disruptive Misbehavior (3.1-3.6)**

**3.1 Interference, Disruption or Obstruction of the Educational Process:**

Any actions that materially and substantially disrupt or interfere with school activities or the educational process, or which threaten to do so are unacceptable. Such disruptions include, but are not limited to, delay or prevention of lessons, assemblies, field trips, athletic events, and performing arts events.

**3.2 Nuisance Items:**

A nuisance item is any item deemed inappropriate by the administration. The District does not take responsibility for missing or lost personal nuisance items.

**3.3 Unauthorized Use of Electronics and/or Internet:**

Due to the potential for violation of student privacy rights and confidentiality, the inappropriate use of technology and/or any electronic devices is prohibited. This includes the use or possession of electronic communication devices (ORC 3313.753), which is governed by terms and conditions set forth by the Hamilton City School District's Acceptable Use Policy. The District does not take responsibility for missing or lost personal electronic devices.

**3.4 Signs and Slogans:**

A student may not place signs or slogans on school property without the permission of the proper school authority.

**3.5 Unauthorized Physical Contact:**

A student shall not touch anyone in an unfriendly manner, nor behave in such a way that could cause physical injury (including roughhousing or horseplay).

**3.6 Violation of individual school/classroom rules:**

Each learning environment has different rules for students. These rules are for the safe and orderly operation of that environment. Students will be oriented to specific rules within each learning environment, all of which will be consistent with the Code of Conduct.

**4 Stealing:**

A student shall not take or attempt to take into possession or possess the property or equipment of the District or the personal property of another person. This infraction should be used when the value of the item(s) is not significant.

***Dishonest Behavior (5.1-5.4)***

**5.1 Extortion:**

Extortion is the use of threat, intimidation, force, or deception to take, or receive something from someone else. Extortion is against the law.

**5.2 Bribery:**

A student shall not offer money or favors to any person for personal gain.

**5.3 Falsification of School Work, Identification, Forgery:**

A student shall not falsify signatures or data, refuse to give proper identification, or give false information to a staff member. This prohibition includes but is not limited to, forgery of hall/bus passes and excuses, as well as the use of false I.D.'s. Plagiarism and cheating are also forms of falsification and will subject the student to academic penalties as well as disciplinary action.

- 5.4 False Report (Lying):**  
A student shall not falsely report incidents, falsely accuse, or give false testimony to school personnel.
- 6 Insubordinate:**  
A student shall not disregard, fail to respond to, or fail to carry out a reasonable request by authorized school personnel. Students are expected to comply with the reasonable directions of staff. Willful refusal or failure to follow or comply with an appropriate direction given by a staff member, or acting in defiance of staff members.
- 7 Gambling:**  
A student shall not gamble or possess gambling devices.
- 8 Aiding and Abetting Violation of School Rules:**  
Assisting other students in the violation of any school rule. Students are expected to resist peer pressure and exercise sound decision making regarding their behavior. This includes willfully aiding another person to violate school regulations.
- 9 Trespassing:**  
A student shall not be present on District property at unauthorized times and in such a manner as may cause disruption to some activity or function, pose a threat to the safety and well-being of the student, or a disruption to the educational process. Although schools are public facilities, the law allows the Board to restrict access to school property. Being present in any Board-owned facility or portion of a Board-owned facility when it is closed to the public or when the student does not have the authorization to be there, or unauthorized presence in a Board owned vehicle; or unauthorized access or activity in a Board-owned computer, into district, school or staff computer files, into a school or district file server, or into the network. When a student has been removed, suspended, expelled, or permanently excluded from school, the student is prohibited from being present on school property without the authorization of the principal.
- 10 Continued Unmodified Behavior:**  
Engaging in a pattern of continued unmodified behavior that is a violation of the code of conduct despite reasonable and documented efforts on part of the staff to correct the unmodified behavior.
- 11 Failure to Report:**  
Failing to report information to school personnel where these actions or plans, if carried out, could result in harm to another person or persons or damage to property.
- 12 Violation of Bus Rules:**  
Students shall not violate any rules established by the Hamilton City School District for the purpose of safety and student control while using school buses. School bus behavior rules (see Part V) shall apply for all regular school transportation and/or transportation for activities under the supervision and control of the school.

***Attendance Related (13.1-13.5)***

- 13.1 Truancy/Unexcused Absence from School:**  
It is necessary that a student be in attendance throughout the school day in order to benefit fully from the educational program. Pursuant to Senate Bill 181 and House Bill 410, students absent from school without legitimate excuse will be considered truant. A student will be considered truant if he/she is absent without the knowledge or consent of the parent. It must also be noted that parents cannot detain their children from school attendance without legal cause. Pursuant to State Bill SB

191 and SB 1, students may have their driver's license revoked for truancy. (O.R.C. 3321.18, 3321.19, 3321.191, 3321.20, & 3321.13 (B)(2).

**13.2 Tardiness to School:**

A student shall not be tardy to school.

**13.3 Tardiness to Class:**

A student shall not be tardy to class without authorization from an administrator.

**13.4 Skipping Class:**

A student shall not be absent from class without authorization from an administrator.

**13.5 Leaving School Grounds:**

During school hours, students may not leave school after initial arrival without permission from the proper authority.

**14 Out of Bounds:**

A student is found to be in an area of the building or grounds that they were not authorized to be in

**15 Skipping Detention:**

A student shall not be absent from detention without authorization from an administrator.

**16 Unauthorized Sale or Distribution:**

A student shall not sell or distribute or attempt to sell or distribute any unauthorized item without permission from the building administration.

**17 Tobacco/Tobacco Paraphernalia:**

Possession, consumption, distribution, purchase or attempt to purchase, and/or use of tobacco products, vaping devices, or electronic cigarettes or similar devices in school, on school grounds, on school buses, in Board-owned vehicles, within any indoor facility owned or leased or contracted for by the Board, and at any interscholastic competition, extra-curricular event, or other school-sponsored events. Tobacco products include, but are not limited to cigarettes, cigars, pipe tobacco, chewing tobacco, snuff, or any other matter or substance that contains tobacco. The term "tobacco" includes any product that contains tobacco, is derived from tobacco, contains nicotine, or e-cigarettes and other electronic smoking devices (including but not limited to "JUULs"), but does not include any cessation product approved by the United States Food and Drug Administration, and prescribed by a medical provider, for use as a medical treatment to reduce or eliminate nicotine or tobacco dependence. Smoking of electronic, "vapor", other substitute forms of cigarettes, or clove cigarettes is also prohibited. Paraphernalia including, but not limited to lighters, matches, and components of vape devices are not permitted in any form in any school building or on school property or at any school-sponsored activity.

**18 Careless or Reckless Driving:**

Driving on school property in such a manner as to endanger persons or property.

**19 Unauthorized Use of Motor Vehicles:**

A student shall not operate a motor vehicle during normal school hours without administrative authorization and parent/guardian consent.

***Harassment, Intimidation, or Threatening Behavior (20.1-20.5)***



Harassment means any threatening, insulting, or dehumanizing gesture, use of technology, or written, verbal or physical conduct directed against a student or school employee that:

- A. places a student or school employee in reasonable fear of harm to his/her person or damage to his/her property;
- B. has the effect of substantially interfering with a student's educational performance, opportunities, or benefits, or an employee's work performance; or
- C. has the effect of substantially disrupting the orderly operation of a school.

Harassment, intimidation, or bullying behavior by any student in the Hamilton City School District is strictly prohibited, and such conduct may result in disciplinary action, including suspension and/or expulsion from school. "Harassment, intimidation, or bullying", in accordance with O.R.C. 3313.666, means any intentional written, verbal, graphic or physical act including electronically transmitted acts, i.e., internet, cell phone, personal digital assistant (PDA), or wireless handheld device, either overt or covert, by a student or group of students toward other students, including violence within a dating relationship, with the intent to harass, intimidate, injure, threaten, ridicule, or humiliate. Such behaviors are prohibited on or immediately adjacent to school grounds, at any school-sponsored activity, on school-provided transportation, or at any official school bus stop that a reasonable person under the circumstances should know will have the effect of:

- Causing mental or physical harm to the other students including placing an individual in reasonable fear of physical harm, and/or damaging of students' personal property; and,
- Is sufficiently severe, persistent, or pervasive enough that it creates an intimidating, threatening, or abusive educational environment for the other students.

#### **20.1 Sexual Harassment:**

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

- A. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment, or status in a class, educational program, or activity.
- B. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual.
- C. Such conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. P.O. 5517

**20.2 Hate-Based Harassment:**

Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

**20.3 Gang and/or Cult-Based Harassment:**

Prohibited gang or cult-based harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's connection or relationship with a gang or cult and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of in or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Groups regarded as cults have much in common with groups regarded as gangs as they are similar in that both groups restrict members' exercise of freedom in thought and belief; and both demand unquestioning obedience from their members. The primary difference between cults and gangs is that cults have as their axial principle of organization some form of a spiritual, religious, or ideological belief system. Gangs are commonly perceived to have no such well-developed belief system.

**20.4 Harassment, Intimidation, or Bullying:**

"Harassment, Intimidation, or Bullying" means any intentional written, verbal, graphic, electronic, or physical act that a student or group of students exhibited toward another particular student more than once and the behavior both:

- A. causes mental or physical harm to the other student; and
- B. is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student.

"Harassment, Intimidating, or Bullying" also means cyberbullying through electronically transmitted acts i.e., Internet, cell phone, personal digital assistance (PDA), or wireless hand-held device that a student has exhibited toward another particular student more than once and the behavior both:

- A. causes mental or physical harm to the other student/school personnel; and
- B. is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student.

"Harassment, Intimidating, or Bullying" also includes violence within a dating relationship.

**20.5 Other Forms of Harassment:**

Any form of harassment not covered in violations 20.1 through 20.4. Harassment means any threatening, insulting, or dehumanizing gesture, use of technology, or written, verbal or physical conduct directed against a student or school employee that:

- A. places a student or school employee in reasonable fear of harm to his/her person or damage to

his/her property;

- B. has the effect of substantially interfering with a student's educational performance, opportunities, or benefits, or an employee's work performance; or
- C. has the effect of substantially disrupting the orderly operation of a school.

**21 Fighting:**

Engaging in adversarial physical contact (differentiated from poking, pushing, shoving or scuffling) in which one or the other party(ies) or both contributed to the situation by verbally instigating a fight and/or physical action. Promoting or instigating a fight (i.e., contributing to a fight verbally or through behavior).

***Inappropriate Sexually Related Misconduct 22.1-22.3***

**22.1 Unauthorized Touching:**

A student shall not touch anyone in an unwanted manner or in a way that would reasonably cause another person to feel uncomfortable or violated.

**22.2 Public Display of Affection:**

Affection between students is personal and not meant for public display. This includes touching, petting, or any other contact that may be considered sexual in nature.

**22.3 Inappropriate Sexual Misconduct:**

Engaging in sexual acts or other inappropriate sexually related behavior. Sexually related behavior of any nature is prohibited and will result in disciplinary action.

**23 Refusing to Accept Discipline:**

Students failing to comply with disciplinary penalties may face enhanced penalties for such action. Compliance means not only attending, but following the rules and expectations. This includes skipping a disciplinary assignment such as a detention or extended detention or getting removed from a disciplinary assignment due to behavior or non-compliance.

**24 Gang Activity:**

Gang activities include: Wearing or displaying any clothing, jewelry, colors or insignia that intentionally identifies the student as a member of a gang or otherwise symbolizes the support of a gang, and/or using any word, phrase, written symbol or gesture that intentionally identifies a student as a member of a gang or otherwise symbolizes the support of a gang. A student may not display gang affiliation on his or her school notebooks, textbooks, or personal items. Engaging in activity or discussion promoting gangs by two or more persons or recruiting students for gangs or anti-social behavior is not permitted.

**25 Profanity or Obscenity:**

A student shall not use profanity or obscene language, gestures or pictures, either written or verbal, in communicating with anyone.

- 26 Hazing:**  
Performing any act, or coercing another, including the victim, to perform any act of initiation into any class, team, or organization, that causes or creates a substantial risk of causing mental or physical harm. No student shall plan, encourage, or engage in any hazing. Permission, consent, or assumption of risk by an individual subjected to hazing shall not lessen the prohibitions contained in this rule.
- Hazing by any individual, school group, club, or team is not permitted. This includes any form of initiation that causes or creates a risk of causing mental or physical harm, no matter how willing the participant may be. Hazing activities are prohibited at any time in school facilities, on school property, and/or off school property but connected to activities or incidents that have occurred on school property.
- All incidents of hazing must be reported immediately to any of the following individuals: the building principal or other administrator; teacher; coach; student club advisor/supervisor, and/or Superintendent. Students who engage in hazing may also be liable for civil and criminal penalties.
- 27 Verbally Assaulting A Staff Member, Student, or Person Associated with the District:**  
Knowingly causing or attempting to cause mental or emotional harm through the use of insults or aggressive verbal abuse.
- 28 Physically Assaulting A Staff Member, Student, or Person Associated with the District:**  
Knowingly causing or attempting to cause physical harm to another person. This may include biting a person, intentionally spitting on another person, or attacking an unsuspecting or defenseless person. Any intentional, harmful or potentially harmful physical contact initiated by a student against a staff member will be considered to be assault. Inflicting or attempting to inflict bodily harm upon another person, regardless of whether it causes injury will be considered to be assault. Assault may result in criminal charges and may subject the student to expulsion.
- 29 Threatening A Staff Member, Student, or Person Associated with the District:**  
Any oral or written statement or otherwise expressed action that a staff member, student, or other person associated with the District reasonably feels to be a threat will be considered a threat.
- 30 Terrorist Threat:**  
Threatening, directly or indirectly, to commit a crime of violence with the purpose to terrorize another or with reckless disregard of the risk of causing terror in another.
- 31 Burglary:**  
Entering a building or a specific area of a building without consent and with intent to commit a crime, or entering a building without consent and committing a crime.
- 32 Inducing Panic:**  
Inducing panic is when a student causes a serious public inconvenience or alarm, by doing any of the following: Initiating or circulating a report or warning of an alleged or impending fire, explosion, crime, or other catastrophes, knowing that such report or warning is false; Threatening to commit any offense of violence; Committing any offense, with reckless disregard of the likelihood that its commission will cause serious public inconvenience or alarm.

**Misconduct (33.1-33.4)**

**33.1 Misconduct Dangerous to Self or Others:**

The Board prohibits misconduct committed by a student that is harmful to self or others.

**33.2 Misconduct against a school official or employee:**

The Board prohibits misconduct committed by a student against a school official or employee, including, but not limited to, harassment (of any type), vandalism, assault (verbal and/or physical), and destruction of property.

**33.3 Misconduct Off School Grounds:**

Students may be subject to discipline for their misconduct even when it occurs off school property when the misconduct is connected to activities or incidents that occurred on property owned or controlled by the District. Misconduct is defined as any violation of the Student Discipline Code.

**33.4 Misconduct: Other Just Causes:**

Student misconduct serious in nature that is otherwise not explicitly listed in the Code of Conduct.

**34 Knowledge of Dangerous Weapons or Threats of Violence:**

Because the Board believes that students, staff members, and visitors are entitled to function in a safe school environment, students are required to report knowledge of dangerous weapons or threats of violence to the Principal. Failure to report such knowledge may subject the student to discipline.

**35 Possession and/or use of explosives and/or fireworks:**

Possessing or using any compound or mixture, the primary or common purpose of which is to function by explosion, with substantially instantaneous release of gas and heat (including, but not limited to explosives and chemical-reaction objects such as smoke bombs and poppers). Additionally, possessing or offering for sale any substance, combination of substances or article prepared to produce a visible and/or audible effect by combustion, explosion, deflagration or detonation.

**36 Theft, or knowingly receiving or possessing stolen property:**

Unauthorized taking of property of another person or receiving or possessing such property. Students caught stealing will be disciplined and may be reported to law enforcement officials. Students should not bring anything of value to school without prior authorization from the building administration. The School is not responsible for personal property. This infraction should be used with items of value.

**37 Possession of Pornography:**

Possessing sexually explicit material.

**38 Serious Bodily Injury/Violent Conduct:**

Students may be expelled for up to one school year for committing an act at school, on other school property, at an interscholastic competition, extracurricular event, or any other school program, or directing an act at a Board official or employee, regardless of where or when that act may occur, or their property that would be a criminal offense if committed by an adult and results in serious physical harm to person(s) or property. An incident that results in serious bodily injury to oneself or others. Serious Bodily Injury is defined as "A bodily injury that involves substantial risk of death; extreme physical pain; disfigurement or impairment (18 U.S.C. Section 1365(3)(h))". O.R.C. 2901.01 (A)(6).

**PART II**

**Mandatory Recommendation for Expulsion**

**It is mandatory that the Principal suspend and recommend the expulsion of students who violate the following rules:**

**39 Arson:**

Intentional or purposeful destruction or damage to school or district buildings or property by means of fire. Anything, such as fire, that endangers school property and its occupants will not be tolerated. Arson is a felony.

**Weapons: Other than a Gun or Knives (40.1-40.5)**

A weapon is any device that may be used for offensive or defensive purposes, including but not limited to conventional objects such as guns, pellet guns, knives, or club type implements. It may also include any toy that is presented as a real weapon or reacted to as a real weapon. Possession and/or use of a weapon may subject a student to expulsion and possible permanent exclusion. If a student is in possession of a knife with a blade smaller than 2.5 inches the administration may consider the knife a weapon other than a gun or knife.

**40.1 Use/Possession of Weapon Other Than Gun or Knife:**

Possessing, using, transmitting or concealing a weapon other than a gun or knife.

**40.2 Sale/Distribution of Weapon Other Than Gun or Knife:**

Selling or distributing a weapon other than a gun or knife.

**40.3 Use/Possession/Sale/Distribution of any Explosive, Incendiary or Poisonous Gas or Ammunition**

A student may not possess, sell, or distribute any explosive, incendiary, or poisonous gas or ammunition.

**40.4 Use of an object as a weapon:**

Any object that is used to threaten, harm, or harass another may be considered a weapon. This includes but is not limited to padlocks, pens, pencils, and jewelry.

**Narcotics, Alcoholic Beverages, and Drugs: (41.1-41.4)**

A student shall not buy, sell, use, possess, conceal, transmit, or distribute any alcoholic beverage, controlled substance including, but not limited to, narcotics, mood-altering drugs, counterfeit controlled substances, lookalikes, over the counter stimulants or depressants, anabolic steroids, or drug-related paraphernalia.

**41.1 Use/Possession of Alcohol:**

Possessing, using, transmitting, concealing, or being under the influence of any alcoholic beverage.

**41.2 Use/Possession of Drugs:**

Possessing, using, transmitting, concealing, or being under the influence of any controlled substance including, but not limited to, narcotics, mood-altering drugs, counterfeit controlled substances, lookalikes, over the counter stimulants or depressants, or anabolic steroids.

**41.3 Sale/Distribution of Alcohol/Drugs:**

Selling or distributing drugs or alcohol.

**41.4 Paraphernalia:**

Possessing any drug or alcohol-related paraphernalia.

**42 Violation of Ohio Criminal, Traffic, or Juvenile Code:**

Commission by a student of any crime in violation of the Ohio Criminal Code, Ohio Traffic Code, or the Ohio Juvenile Code on or off the school grounds, regardless if school-related or not, that would, in the judgment of school officials, be a detriment to the ongoing educational processes and/or orderly administration of the school if the student were permitted to continue regular school attendance.

**PART III                      Mandatory Recommendation for Expulsion for One (1) Calendar Year**

**It is mandatory that the Principal suspend and recommend the one (1) calendar year expulsion of students who violate the following rules:**

**Weapons: Gun or Knife (43.1-43.3)**

A student shall not possess, handle, transmit, or use any object, including look-alike objects, offensively or defensively that can be considered a weapon on school property at any time or at any school-sponsored event (O.R.C. 3313.66).

**43.1 Use/Possession of Gun:**

Bringing a firearm (as defined in the Federal Gun-Free Schools Act of 1994) onto school property or to any school-sponsored activity, competition, program, or event, regardless of where it occurs, will result in a mandatory one (1) year expulsion under Ohio law.

**43.2 Use/Possession of Knife:**

Bringing a knife onto school property or to any school-sponsored activity, competition, program, or event, regardless of where it occurs, will result in a mandatory one (1) year expulsion under Ohio law. A knife is defined as any cutting instrument consisting of a sharp blade fastened to a handle, a razor blade, or any similar device that is used for, or is readily capable of, causing death or serious bodily injury.

**43.3 Sale/Distribution of Gun or Knife:**

Selling or distributing a firearm or knife on school property or at any school-sponsored activity, competition, program, or event, regardless of where it occurs, will result in a mandatory one (1) year expulsion under Ohio law.

**44 Bomb Threat:**

Making a bomb threat (i.e., intentionally giving a false alarm of a bomb) against a school building or any premises at which a school activity is being held at the time the threat is made may result in expulsion for a period of up to one (1) school year.

**45 Commission of a Criminal Offense:**

Commission of act that is a criminal offense when committed by an adult that results in serious physical harm to persons or property. Serious physical harm to persons means any of the following:

- Any mental illness or condition of such gravity as would normally require hospitalization or prolonged psychiatric treatment;

- Any physical harm that carries a substantial risk of death;
- Any physical harm that involves some permanent incapacity, whether partial or total, or that involves some temporary, substantial incapacity;
- Any physical harm that involves some permanent disfigurement or that involves some temporary, serious disfigurement;
- Any physical harm that involves acute pain of such duration as to result in substantial suffering or that involves any degree of prolonged or intractable pain.

Serious physical harm to property means any physical harm to property that does either of the following:

- Results in substantial loss to the value of the property or requires a substantial amount of time, effort, or money to repair or replace;
- Temporarily prevents the use or enjoyment of the property or substantially interferes with its use or enjoyment for an extended period of time.

Because it is not possible to list every misbehavior that occurs, misbehaviors not listed as infractions above will be responded to as necessary by staff.

## **DISCIPLINE**

It is important to remember that the school rules apply going to and from school, at school, on school property, at school-sponsored events, on school transportation, and on property not owned or controlled by the Board but that is connected to activities or incidents that have occurred on property owned or controlled by the Board. Furthermore, students may be disciplined for conduct that, regardless of where or when it occurs, is directed at a Board official or employee, or the property of such official or employee. In some cases, a student's privileges to utilize school transportation can be removed for infractions of school bus rules.

The School is committed to providing prompt, reasonable discipline consistent with the severity of the incident. The consequences for misbehavior are designed to be fair, firm, and consistent for all students.

Two (2) types of discipline are possible, informal and formal.

### **Informal Discipline**

Informal discipline takes place within the School. It includes:

- writing assignments;
- change of seating or location;
- student, parent, and restorative conferences
- pre-school, lunch-time, after-school, and extended detention;



- in-school discipline in the Behavior Intervention Center (BIC);
- and other like discipline

### **Detentions**

A student may be detained after school or asked to come to school early by a teacher, after giving the student and his/her parents one day's notice. The student or his/her parents are responsible for transportation.

### **In-School Discipline**

Students will report at the time and location directed for In-School Discipline. Each student shall arrive with sufficient educational materials to be busy during the time assigned to In-School Discipline. If students do not arrive with sufficient educational materials for the assigned period of time, work packets, reading materials, and/or other educationally related assignments will be provided.

A student missing any portion of the assigned time may be given an additional time to make up for their missing time. Failure to timely serve detention, extended detention, BIC, or any like an assignment may lead to suspension from school. Any such suspension shall be in accordance with District guidelines on suspension and expulsion.

- Students are required to have class assignments with them. Any student who does not have work will be required to work on an alternative assignment, study packets, or other provided materials.
- Students are not to communicate with each other unless given permission to do so.
- Students are to remain in their designated seats at all times unless permission is granted to do otherwise.
- Students shall not be allowed to put their heads down or sleep.
- No cell phones, electronic communication devices, music players, cards, magazines, or other entertainment/recreational articles or devices shall be allowed in the room.
- No food or beverages shall be consumed.

### **Formal Discipline**

Formal discipline involves removal of the student from school. It includes emergency removals, suspension for up to ten (10) school days, expulsion for up to eighty (80) school days, expulsion for up to three hundred sixty-five (365) days, and permanent exclusion. Expulsions may carry over into the next school year. Any student who is expelled from school for more than twenty (20) days or for any period of time if the expulsion will extend into the following semester or school year will be provided with information about services or programs offered by public and private agencies that work toward improving those aspects of the student's attitude and behavior that contributed to the incident that gave rise to the student's expulsion. Removal for less than one (1) school day without the possibility of suspension or expulsion may not be appealed. Suspension, expulsion, and permanent exclusion may be appealed.

Students being considered for suspension are entitled to an informal meeting with the building administrator prior to removal. Also, students being considered for expulsion are entitled to an expulsion hearing with the Superintendent or designee prior to removal. During the expulsion hearing, the student will be notified of the charges and given the opportunity to respond.

Students involved in co-curricular and extra-curricular activities such as band and athletics can lose their eligibility for violation of the School rules.

If a student commits a crime while under the School's jurisdiction, s/he may be subject to school disciplinary action as well as action through local law enforcement.

### **DUE PROCESS RIGHTS**

Before a student is suspended, expelled, or permanently excluded from school, there are specific procedures that must be followed.

As long as the in-school discipline is served entirely in the school setting, it will not require any notice or meeting, or be subject to appeal.

### **SUSPENSION FROM SCHOOL**

When a student is being considered for a suspension, the administrator in charge will notify the student of the basis for the proposed suspension. The student will be given an opportunity to explain his/her view of the underlying facts. After that informal hearing, the school administrator will determine whether or not to suspend the student. If the decision is made to suspend the student, s/he and his/her parents will be given written notification of the suspension within one (1) day setting forth the reason for the suspension, the length of the suspension, and the process for appeal. The suspension may be appealed, within 5 days after receipt of the suspension notice, to the Executive Director of Student Services. The request for an appeal must be in writing.

During the appeal process, the student shall not be allowed to remain in school. The appeal shall be conducted in a private hearing. A verbatim transcript will be made. If the appeal decision is to uphold the suspension, the next step in the appeal process is to the Court of Common Pleas.

### **EMERGENCY REMOVAL**

If a student's presence poses a continuing danger to persons or property, or an ongoing threat of disrupting the academic process taking place either in a classroom or elsewhere on the school premises, the Superintendent, principal or assistant principal may remove the student from any curricular or extracurricular activity or from the school premises. A teacher may remove the student from any curricular or extracurricular activity under the teacher's supervision, but not from the premises.

If a teacher makes an emergency removal, the teacher will notify a building administrator of the circumstances surrounding the removal in writing within one (1) school day. No prior notice or hearing is required for any removal under this procedure. In all cases of normal disciplinary procedures where a student is removed from curricular or extracurricular activity for less than one school day, and is not subject to further suspension for expulsion, the following due process requirements do not apply.

If the emergency removal exceeds one (1) school day, then a hearing will be held on the next school day after the removal is ordered. Written notice of the hearing and the reasons for removal and any intended

disciplinary action will be provided to the student, as soon as practical prior to the hearing. If the student is subject to an out-of-school suspension, the student will have the opportunity to appear at an informal hearing before the principal, assistant principal, Superintendent, or a designee, and may challenge the reasons for the removal or otherwise explain his/her actions.

Students in Grades Pre-K through 3

A student in any of grades pre-kindergarten through 3 may be removed only for the remainder of the school day, and shall be permitted to return to any curricular and extracurricular activities on the next school day (following the day in which the student was removed or excluded). When a student in any of grades pre-kindergarten through 3 is removed and returned to his/her curricular and extracurricular activities the next school day, the Principal is not required to hold a hearing (or provide written notice of the same).

Within one (1) school day of the decision to suspend, written notification will be given to the parent(s)/guardian(s) or custodian(s) of the student. This notice will include the reasons for the suspension, the right of the student or his/her parent(s)/guardian(s) or custodian(s) to appeal to the Board or its designee, and the student's right to be represented in all appeal proceedings. If it is likely that the student may be subject to expulsion, the hearing will take place within three (3) school days and will be held in accordance with the procedures outlined in the Student Expulsion Policy. The person who ordered or requested the removal will be present at the hearing. In an emergency removal, a student may be kept from class until the matter of the alleged misconduct is resolved either by reinstatement, suspension, or expulsion.

## **EXPULSION FROM SCHOOL**

When a student is being considered for expulsion, the student and parent will be provided with a formal notice of the proposed expulsion. This written notice will include the reasons for the intended expulsion, notification of the opportunity to appear in person before the Superintendent or the Superintendent's designee to challenge the reasons for the expulsion and/or explain the student's action, and notification of the time and place to appear. Students being considered for expulsion may be removed immediately. A hearing will be scheduled no earlier than three (3), nor no later than five (5) school days after proper written notice has been given by means of certified mail. Parents may request an extension of time for the hearing. The student may be represented by his/her parents, legal counsel, and/or by a person of his/her choice at the hearing.

In accordance with Board Policy 5610, the Superintendent shall initiate expulsion proceedings against a student who has committed an act that warrants expulsion under Board policy even if the student withdraws from school prior to the hearing or decision to impose the expulsion. The expulsion will be imposed for the same duration that it would have been had the student remained enrolled.

If a student is expelled, the student and the student's parents will be provided with written notice within one (1) school day of the imposed expulsion. The notice will include the reasons for the expulsion, the right of the student, or the student's parent(s)/guardian(s) or custodian(s) to appeal the expulsion to the Board or its designee, the right to be represented in all appeal proceedings, the right to be granted a hearing before the Board or its designee, and the right to request that the hearing be held in executive session.

Within 14 days after the Superintendent notifies the parents of the expulsion, the expulsion may be appealed, in writing, to the Board of Education or its designee. A hearing on the requested appeal will be formal with an opportunity for sworn testimony. If the expulsion is upheld on appeal, a student's parents may pursue further appeal to the Court of Common Pleas.

Students serving expulsions will not be awarded grades or credit during the period of expulsion. Expulsion

for certain violations including use or possession of alcohol or drugs may result in revocation of a student's driver's license. When a student is expelled, the Superintendent will notify any college in which the expelled student is enrolled under the Postsecondary Enrollment Option at the time the expulsion is imposed.

### **PERMANENT EXCLUSION**

State law provides for the permanent exclusion of a student, 16 years of age or older who engages in certain criminal activity. Permanently excluded students may never be permitted to return to school anywhere in the State of Ohio. A permanent exclusion may be considered if the student is convicted or adjudicated delinquent for committing one or more of the following crimes while on the property of any Ohio school:

- A. conveying deadly weapons onto school property or to a school function;
- B. possessing deadly weapons onto school property or at a school function;
- C. carrying a concealed weapon onto school property or at a school function;
- D. trafficking in drugs onto school property or at a school function;
- E. murder, aggravated murder on school property or at a school function;
- F. voluntary or involuntary manslaughter on school grounds or at a school function;
- G. assault or aggravated assault on school property or at a school function;
- H. rape, gross sexual imposition or felonious sexual penetration on school grounds, or at a school function, when the victim is a school employee;
- I. complicity in any of the above offenses, regardless of the location.

This process is formal and may follow an expulsion with the proper notification to the parents.

### **DISCIPLINE OF STUDENTS WITH DISABILITIES**

Students with disabilities are entitled to the rights and procedures afforded by the Individuals with Disabilities Education Improvement Act (I.D.E.I.A.), and, where applicable, the Americans with Disabilities Act (A.D.A.), and/or Section 504 of the Rehabilitation Act of 1973.

### **REMOVAL OF BUS RIDING/TRANSPORTATION PRIVILEGES**

Students on a bus or other authorized Board of Education transportation vehicles are under the authority of and directly responsible to the bus/vehicle driver. The driver has the authority to enforce the established regulations for bus/vehicle conduct. Disorderly conduct or refusal to submit to the authority of the driver will be sufficient reason for refusing transportation service to any student.

A student may have school bus/transportation riding privileges removed for all or part of a school year for any violation of established regulations for bus conduct and/or for conduct occurring on the bus/vehicle in violation of the Student Code of Conduct/Student Discipline Code.

When removing a student's bus/vehicle riding privileges, the building administrator will provide a student with written notice of a removal of school bus/transportation privileges and an opportunity to appeal the

decision before the building principal. The length of the removal of school bus/vehicle privileges will be commensurate with the infraction(s) committed as determined by the building administration.

Any additional guidelines regarding conduct on school buses/transportation vehicles, as well as general information about the school transportation program, will be made available to all parents and students and posted in a central location.

## **SEARCH AND SEIZURE**

Administrators may search a student or his/her property (including vehicles, purses, knapsacks, gym bags, etc.) with or without the student's consent, whenever they reasonably suspect that a search will lead to the discovery of evidence of a violation of law or school rules. The extent of the search will be governed by the seriousness of the alleged infraction and the student's age. General housekeeping inspection of school property may be conducted with reasonable notice. Student lockers are the property of the District and students have no reasonable expectation of privacy in their contents or in the contents of any other District property including desks or other containers. School authorities may conduct random searches of the lockers and their contents at any time without announcement. Unannounced and random canine searches may also be conducted.

Additionally, students have NO reasonable expectation of privacy in their actions in public areas including but not limited to, common areas, hallways, cafeterias, classrooms, and gymnasiums. The District may use video cameras in such areas and on all school vehicles transporting students to and from regular and extracurricular activities.

Anything that is found in the course of a search may be used as evidence of a violation of school rules or the law and may be taken, held, or turned over to the police. The School reserves the right not to return items that have been confiscated.

## **INTERROGATION OF STUDENTS**

The School is committed to protecting students from harm that may be connected with the school environment and also recognizes its responsibility to cooperate with law enforcement and public child welfare agencies. While the School believes these agencies should conduct their investigations off school property if possible, investigations can take place at school in emergency situations or if the violation being investigated occurred on school property.

Before students are questioned as witnesses or suspects in an alleged criminal violation, the building administrator will attempt to contact a parent prior to questioning and shall remain in the room during questioning.

If a student is questioned as the subject of alleged child abuse or neglect, the building administrator will attempt to contact a parent prior to questioning, and they(or a designated guidance counselor) will remain in the room during questioning. If the agency investigating the alleged child abuse or neglect suspects the parent is the perpetrator, neither parent will be contacted prior to questioning, but the building administrator (or a designated guidance counselor) will remain in the room during questioning.

If law enforcement or a children's services agency removes a student from school, the building administrator will notify a parent.

## **STUDENT RIGHTS OF EXPRESSION**

The School recognizes the right of students to express themselves. With the right of expression comes the responsibility to do so appropriately. Students may distribute or display, at appropriate times, non-sponsored, non-commercial written material and petitions; buttons, badges, or other insignia; clothing, insignia, and banners; and audio and video materials. All items must meet school guidelines.

- A. Material cannot be displayed if it:
  - 1. is obscene to minors, libelous, or pervasively indecent or vulgar;
  - 2. advertises any product or service not permitted to minors by law;
  - 3. intends to be insulting or harassing;
  - 4. intends to incite fighting; or
  - 5. presents a clear and present likelihood that, either because of its content or manner of distribution or display, it will cause or is likely to cause a material and substantial disruption of school or school activities, a violation of school regulations, or the commission of an unlawful act.
  
- B. Material may not be displayed or distributed during class periods, or between classes. Permission may be granted for display or distribution during lunch periods, and/or before or after school in designated locations, as long as exits are not blocked and there is proper access and egress to the building.

Students who are unsure whether materials they wish to display meet school guidelines may present them to the building principal twenty-four (24) hours prior to display.

## **TRANSPORTATION**

### **Bus Transportation to School**

The School provides transportation for elementary students who live farther than 1 mile from school, middle school students who live farther than 1.5 miles from school, and high school students who live farther than 2 miles from school. The transportation schedule and routes are available on the District's website at [www.hamiltoncityschools.com](http://www.hamiltoncityschools.com). Transportation can be reached by phone by calling 513-887-5060.

Students may only ride assigned buses and must board and depart from the bus at assigned bus stops. Students will not be permitted to ride unassigned buses for any reason other than an emergency, except as approved by the Director of Transportation.

The Director of Transportation may approve a change in a student's regular assigned bus stop to address a special need. Parents can email or call the Director of Transportation stating the reason for the request and the duration of the requested change. Building administrators are not authorized to grant permission for students to ride a different bus.

## **BUS CONDUCT**

Students who are riding to and from school on District-provided transportation must follow all basic safety rules. This applies to school-owned buses as well as any contracted transportation.

The driver may assign seating or direct students in any reasonable manner to maintain transportation safety. School bus transportation is a privilege and not a right and the bus driver is the sole authority on the bus while students are being transported.

Parents are responsible for:

- a. the safety of their child while going to or from the bus stop and while waiting for the school bus, including waiting for a school bus in a location clear of traffic and away from the bus stop;
- b. their child being at the bus stop at least five (5) minutes prior to scheduled pick-up time, as drivers will not wait for students who are not at their designated stops on time.;
- c. damage by their child to school buses, personal property, or public property.

Students must comply with the following basic safety rules:

### **Prior to Loading**

Each student shall:

- be on time at the designated loading zone 5 minutes prior to the scheduled stop);
- stay off the road at all times while walking to and waiting for school transportation;
- line up single file off the roadway to enter;
- wait until the school transportation is completely stopped before moving forward to enter;
- refrain from crossing a highway until the driver signals it is safe to cross;
- properly board and depart the vehicle;
- go immediately to a seat and be seated.

### **During the Trip**

Each student shall:

- remain seated while the school transportation is in motion;

- keep head, hands, arms, and legs inside the school transportation at all times;
- not push, shove or engage in scuffling;
- not litter in the school vehicle or throw anything in, into, or from the vehicle;
- keep books, packages, coats, and all other objects out of the aisle;
- keep all loose items should be kept on lap or in a backpack for the duration of the ride;
- be courteous to the driver and to other riders. For the safe operation of the school bus, noise on buses shall be kept at a minimum with students speaking in reasonable conversation voices. No sound should be transmitted through any speaker or electronic device with the exceptions of those devices in the control of the bus driver. Students must be quiet at railroad crossings and other danger zones as designated by the bus driver;
- not eat or play games, cards, etc.;
- not use nuisance devices (e.g., laser pointers) on the bus in a way that disrupts the safe transportation of students and/or endangers students or employees;
- not tamper with the school vehicle or any of its equipment (including, but not limited to emergency and/or safety equipment);
- not use abusive or profane language on the bus;
- not bring pets, nicotine/tobacco products, alcoholic beverages, drugs, ammunition, explosives, firearms, knives, or any other dangerous materials or objects. If there is a question on the transportation of a particular item, the Director of Transportation should be consulted.

### **Exiting the School Vehicle**

Each student shall:

- remain seated until the vehicle has stopped;
- cross the road, when necessary, at least 10 feet in front of the vehicle, but only after the driver signals that it is safe;
- be alert to a possible danger signal from the driver;
- remain at their designed place of safety until the bus departs the student's stop.

The driver will not discharge students at places other than their regular stop at home or at school unless s/he has proper authorization from school officials.

### **Bus Stop**

The supervision of students at a Hamilton City School District bus stop is ultimately the responsibility of



parents. If a situation arises at the bus stop that impedes or impacts the regular course of a school day, students may be subject to disciplinary action.

### **VIDEO RECORDINGS ON SCHOOL BUSES**

The Board of Education has installed video cameras on school buses to monitor student behavior.

If a student misbehaves on a bus and his/her actions are recorded, the recording will be submitted to the Principal and may be used as evidence of misbehavior.

### **PENALTIES FOR INFRACTIONS**

A student who misbehaves on the bus shall be disciplined in accordance with the Student Discipline Code and may lose the privilege of riding on the bus.

### **SELF-TRANSPORTATION TO SCHOOL**

Driving to school is a privilege that can be revoked at any time. Students who are provided the opportunity to ride school transportation are encouraged to do so. Students and their parents assume full responsibility and liability for any transportation to and from school not officially provided by the School.

The following rules shall apply:

- 1 Students under the age of 18 must have written parent permission prior to driving to school.
- 2 Students and their parents shall complete the Student Vehicle/Parking Agreement Form to Drive Vehicles On School Property and provide evidence of:
  - driver's license;
  - insurance certificate;
  - vehicle registration.
- 3 Students are required to obey the parking lot speed limit of 10 mph.
- 4 The student must obtain a permit from the Administrative Secretary and pay a fee of \$ 50.00 for the entire school year.
- 5 If a student's parking permit is suspended, no fees will be refunded.
- 6 Failure to comply with these rules will result in loss of privileges and/or disciplinary actions for a student.
- 7 When the School provides transportation, students shall not drive to school-sponsored activities.
- 8 An approved student driver may not transport other students to a school-sponsored activity.

9 All vehicles entering school property are subject to search and inspection.

**EARLY RELEASE FOR STUDENT APPROVED DRIVERS**

Student drivers under the age of 18 must have signed parental permission to leave school prior to their assigned end of the day. Permission must be provided, in writing, in advance to the school administration. In the event of an emergency, the parent, legal guardian, or authorized persons listed on Emergency Medical Form must provide written consent for the student to be released. Student drivers will not be permitted to leave prior to their assigned end of the day without written permission from their parent, legal guardian, or authorized person listed on their Emergency Medical Form. Once the student-approved driver is released from school, their parents/legal guardian assume full responsibility and liability as they are no longer in the care and custody of the District.