

EMERGENCY REMOVAL OF STUDENT

If a student's presence poses a continuing danger to persons or property, or an ongoing threat of disrupting the academic process, the Superintendent, principal, assistant principal, or Superintendent's designee may remove the student from the premises. When the behavior is sexual harassment as defined by Title IX regulations, the student may be removed on an emergency basis, provided that the District undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the student with notice and an opportunity to challenge the decision immediately following the removal.

If either suspension or expulsion is contemplated, a due process hearing is held within three school days after the removal is ordered. Written notice of the hearing and the reason for removal and any intended disciplinary action is given to the student as soon as practicable prior to the hearing. The student has the opportunity to appear at an informal hearing before the principal, assistant principal, and the Superintendent/designee and has the right to challenge the reasons for the removal or otherwise explain his/her actions. The person who ordered or requested the removal is present at the hearing. Within one school day of the decision to suspend, written notification is given to the parent(s) of the student. This notice includes the reasons for the suspension and the right of the student or parent(s) to appeal to the Superintendent/designee.

If the Superintendent or principal reinstates a student prior to the hearing for emergency removal, the teacher may request and is given, written reasons for the reinstatement. The teacher cannot refuse to reinstate the student.

In an emergency removal, a student can be kept from class until the matter of the alleged misconduct is disposed of either by reinstatement, suspension, or expulsion.

Students in grades pre-K through three may only be removed for the remainder of the school day and must be permitted to return the following school day. The District may only proceed with a related suspension or expulsion in compliance with State law.

In all cases of normal disciplinary procedures in which a student is removed from a curricular or extracurricular activity for less than 24 hours and is not subject to further suspension or expulsion, due process requirements do not apply.

[Adoption date: August 6, 1991]

Revised: July 21, 1999
September 19, 2018
August 19, 2020

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

CROSS REFS.: ACAA, Sexual Harassment
ECAB, Vandalism
JFC, Student Conduct (Zero Tolerance)
JFCJ, Weapons in the Schools
JG, Student Discipline
JGD, Student Suspension
JGE, Student Expulsion