

DECA Middle

**The Guide to Student
Code of Conduct and
Family Handbook**

2024-2025

PURPOSE OF THE GUIDE TO STUDENT CODE OF CONDUCT

DECA Middle has adopted policies that relate to student activities, student behavior, and student discipline. These policies, some of which are more detailed than *The Guide to Student Code of Conduct*, are intended to promote a positive, safe school environment. Students, parents, and staff members are expected to acquaint themselves fully with all policies. Every DECA Middle staff member is required to enforce this code of conduct. Our administration works closely with students, parents, and teachers to determine the best course of action for corrective strategies. The administration and principal have the authority to determine the appropriate consequence for student behavior. The administration and principal may seek parent input in certain situations, but they retain all decision making authority when it comes to disciplinary actions. Removal, suspension, expulsion, and appeal procedures are posted in a visible location in the school building and are available to parents and students upon request. Each academic year, students receive a copy of the Student Code of Conduct in their planners. Parents must sign for receipt of and agree to this code. A copy is also available on the "For Parents" section of the school website.

Students with Disabilities

The Guide to Student Code of Conduct applies to all students enrolled in the school; however, students with disabilities will be treated in accordance with the provisions of the Individuals with Disabilities Education Act (IDEA) as amended in 1997 and any subsequent regulations affecting the provisions. This does not necessarily preclude exclusion from school or school buses/vehicles as a result of a crisis or any emergency.

Aggressive Behavior Policies

In accordance with federal and state laws, DECA Middle will not tolerate bullying, harassment or other forms of aggressive behavior against any staff member or student on the basis of sex, race, national origin, religion, age, disability, or sexual orientation.

Safety/Crisis Plan

DECA Middle strives to provide a safe, secure environment for students and will do what is necessary to protect your child should a crisis/emergency occur. A *Safety/Crisis Plan* has been developed and provided to school personnel for assisting and responding to the many types of crisis/emergency situations. Parents are required to maintain accurate contact information with DECA Middle.

Smoke-Free Environment

To protect the health of students and employees, smoking or the use of any tobacco products shall be prohibited on all lands and inside all facilities and motor vehicles leased/used by DECA Middle.

Student Acceptable Use Policy

Students shall abide by the Acceptable Use Policy as it relates to computer use and access to the Internet. This would include any violation(s) as defined later in the student discipline codes.

Building Security

In order to provide the safest environment possible, all visitors to DECA Middle will be required to check in with the main office, using the main entrance to the school. Throughout the school day, all building entrances will remain locked, with the exception of the main entry into the main vestibule.

PHILOSOPHY OF STUDENT CONDUCT AND DISCIPLINE

Developing a student's self-discipline is a legitimate and constructive goal of education. Parents, communities, and the schools play key roles in shaping student conduct and ensuring discipline. An essential element of effective discipline is regular parent communication through telephone calls, conferences, home visits, e-mail, written notes, and school visits.

Schools must be places where effective learning can occur. Schools must maintain standards of conduct and discipline because students and school personnel have a right to a safe and orderly learning environment. Therefore, students are prohibited from engaging in behaviors endangering the safety of others or interfering with the school program. Unacceptable conduct is defined in this document as **Level 1 and Level 2 Behaviors**. Prompt and effective disciplinary actions will be taken to correct these behaviors.

Persistent violations of *The Guide to Student Code of Conduct* or violations of criminal laws are considered incorrigible conduct. Three offenses, either all Level 1 or in combination with Level 2 offenses are considered as persistent.

Zero Tolerance

DECA Middle uses a *Zero Tolerance* approach in regard to drugs, possession of a weapon, and any violent and/or disruptive behavior in school, on school grounds and/or buses that threatens school safety and order. Infractions related to the above-mentioned areas will be subjected to a strong and uniform response. This includes a firm application of the school's *Guide to Student Code of Conduct* with appropriate penalties and criminal charges filed as necessary.

When disciplinary actions are necessary, DECA Middle will strive to maintain a constructive approach that focuses on positive changes in behavior and minimizes any interruption of the educational process. Age and maturity level requires different types of disciplinary actions; thus, these factors will be considered when corrective measures are necessary.

School Bus Regulation

State law prohibits parents or any unauthorized individual from boarding or impeding the orderly boarding or departing of students on school buses. Should there be a situation or problem relating to school bus transportation, the parent(s) must contact the transportation department directly at 937-813-1570, ext 201 to resolve the concern. Students receiving referrals from the school bus driver or transportation department will be subject to disciplinary action up to suspension and expulsion.

Federal Law

DECA Middle adheres to the Gun-Free School Act (GFSA) which states that each school district receiving federal funds must have, in effect, a state law requiring local educational districts to expel from school for a period of not less than one calendar year from the date of infraction, a student who is determined to have brought a firearm (loaded or unloaded, real or look-alike) to school, other property, or to an activity under its jurisdiction. Additionally, DECA Middle has authorized that the Principal may recommend expulsion of a student from school for a period not to exceed one year for possessing a knife or making a bomb threat to any school, property, or activity under its jurisdiction.

STUDENT DISCIPLINE CODES

Level 1 Behaviors

Conduct that impedes the orderly operation of classrooms or school vehicles. Most Level 1 behaviors should be addressed by individual classroom teachers. Discipline approaches may include but are not limited to verbal reprimands, conducting parent conferences, assigning lunch or after school detentions, in school restoration, Saturday School, referrals and, when persistent, recommendation for suspension.

BEHAVIOR EXHIBITED	DEFINITION
Violating Local School Rules	The failure to comply with established procedures and/or codes of conduct specific to school buildings, school buses/vehicles, and off-campus locations used for school-related activity.
Class Disturbance	Intentional acts, behaviors, or conduct in the classroom or in the school or upon school grounds that disrupts the educational process. This includes but not limited to, screaming or yelling, kicking or hitting, throwing items, running, pushing or shoving.
Dress Code	All DECA Middle students are expected to be dressed in uniform at all times unless administration expressly gives permission to be out of uniform.
Non-Academic Materials/Devices	Students are not permitted to bring unrelated items to school. Examples include but not limited to gaming devices, laser pointers, wearable technology, toy weapons, portable music players, cell phones, recreational balls, etc. Cell phones or other electronic devices that are visible or heard at school will be taken to the office. A parent/guardian will be contacted to pick device up. DECA Middle will not be held responsible/liable for any lost, stolen or damaged items brought to school. This includes cell phones or any other electronic device.

Level 2 Behaviors

Serious misconduct expressed through word, act or electronic media. Disciplinary actions that could be used to correct behavior may range from a parent conference to expulsion depending on the seriousness of the infraction and the student's conduct history.

BEHAVIOR EXHIBITED	DEFINITION
Academic Dishonesty	Includes but is not limited to such acts as making or providing false statements, cheating, and plagiarism.
Inappropriate Bus Behavior	Any behavior that distracts a bus driver and causes a dangerous situation or any action that disturbs the orderly operation of a bus. Failure to comply with Ohio Department of Transportation (ODOT) requirements that are posted on the bus. No eating, drinking, transporting of animals or glass containers, spitting, throwing of any objects, or extending any body part through a school bus/vehicle window, or using the emergency exit when there is no emergency is permitted.
Profanity	Swearing/cursing or profane gesturing in the school building, on school buses/vehicles, on school grounds or off campus during any school-sponsored activity.
Abuse of Staff	Any profane or insulting remarks or gestures directed at a teacher, administrator, custodian, cafeteria staff member, bus driver, clerical employee, paraprofessional, volunteer, student teacher, or any other school or university personnel.
Threatening of Student	The intentional threat by word, act or electronic media to intimidate, harass or cause harm to an individual or their property, or an actual deed that creates a well-founded fear within an individual.
Inciting to Fight and/or Contributing	The intentional promotion of a physical conflict and/or continuous harassment; the promotion of misconduct for any purpose.
Verbal Altercation / Altercation	Participating in a disruptive activity through word or deed including, but not limited to, disagreements or arguments, whether or not profanity is involved.
Threatening of Staff	The intentional threat by word, act or electronic media to do violence to the person or property of a staff member, or the doing of any act which creates a well-founded fear within the person.
Repeated Violations of School Rules	Persistent violations of the Student Code of Conduct or persistent violations of the criminal laws. Three offenses can be considered as persistent.
Fighting	Making physical contact with the intent to inflict bodily harm on another individual (including hazing).
Destruction/Misuse of School-Issued Property	Loss, destruction, defacement, or inappropriate use of textbooks, school property, media materials, computers and/or computer related materials.
Violation/Misuse of Internet Usage	Accessing or uploading material that is profane, obscene, or advocates illegal or immoral acts of violence or discrimination toward others including, but not limited to, hate literature, non-educational entertainment, chat groups, dating and matchmaking. Additionally, includes plagiarism and copyright infringement as defined in the Student Acceptable Use Guidelines.
Possession/Distribution of Unauthorized Items	Failure to disclose and/or properly store potentially harmful legal substances or items. This includes, but is not limited to, over-the-counter or prescribed medication, inhalers, sharp eating utensils, or personal safety items such as pepper spray or mace.
Insubordination	The refusal to comply with a reasonable request from school personnel or disobeying any general rule of school. Including: not following directions of teachers, school administrators or other staff members (e.g. refusing to leave an area, refusing to stop aggressive behavior and/or refusing to stop disruptive behavior.)
Inappropriate Physical Conduct	Fondling, touching, or kissing in school facilities, on school grounds, or at school related activities or while on buses transporting students to and from school related events.
Leaving School without Permission	Leaving school grounds during the designated school day without first obtaining permission of the principal or principal's designated representative and/or not reporting to class or required school activities.
Out of Area/Skipping	Walking out of classrooms without permission and/or being in an unsupervised area without permission.

Level 3 Behaviors

Illegal and/or serious misconduct, life or health threatening as defined by municipal, county, state or federal laws and/or school standards. A student charged with behavior that is classified as Level 3 can be removed from the school immediately and is subject to a recommendation for expulsion.

BEHAVIOR EXHIBITED	DEFINITION
Gambling	Acts such as betting money or items on card games, dice games, the outcome of games or activities and/or possession of gambling materials or paraphernalia.
Sexual Misconduct	The engagement of any sexual acts on school property (including buses) or at school sponsored activities. This includes but is not limited to vulgar or obscene words, gestures, indecent exposure, possession of profane, vulgar, or obscene material, possession or distribution of derogatory/ offensive posters, cards, pictures, cartoons, graffiti, or drawings.
Loitering/Trespassing	Visiting or refusing to leave school property during a period of emergency removal, suspension or expulsion.
Theft/Attempt/ Possession	The unlawful taking or disposition of property of another with intent to deprive the person of the property. Receiving stolen property or attempted theft by deception, including public property, possession of stolen property, counterfeit items or missing items and/or possession of any federal, state, or district mandated test(s).
Arson / Lighting Incendiary Devices	Setting fire, or attempting to set fire, to school property or any property belonging to, rented by, or on loan to the school district, or the property of persons employed by the school or in attendance at the school
Bomb Threats / False Alarms	Making a knowingly false statement regarding the possession or location of explosive materials. Reporting a fire when no fire exists or attempting to activate the fire alarm system on school property (including buses).
Possession of Drugs, Alcohol or Tobacco Products	Possessing, carrying, selling, concealing, consuming, or showing evidence of having consumed drugs, alcohol or other illegal substances. A student is also in violation of this section if they are in possession of those items that may be considered look-alike drugs or substances represented to be drugs, alcohol or tobacco products.
Explosive Devices	Using, threatening to use or transporting any explosive device or look-alike device that ejects or releases a spray, foam, gas, fire, smoke or harmful odor. By way of illustration, such items include, <i>but are not limited to</i> , ammunition, fireworks, smoke bombs, paint bombs, stink bombs, gasoline, or any explosive aids that give the appearance of the aforementioned.
Intent/Sale, Distribution of Drugs or Paraphernalia	Attempting to sell or distribute any drugs including prescription and over-the-counter medicines, chemical substances, and all other legal/illegal substances or look-alike substances. No such items shall be in possession at any school-related activities or in students' desks or lockers; neither shall they be found on any property of DECA Middle (including buses). Drug related paraphernalia includes, but is not limited to, pipes, rolling papers, and other items used or related to drug use.
Possession of Weapons	Possessing, storing, making, or using a weapon, including a concealed weapon, in a school safety zone or at a school-sponsored event. The term "weapon" means any object which, in the manner in which it is used, is intended to be used, or is represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health and safety of persons. Weapons include, but are not limited to, firearms, guns of any type whatsoever, including air and gas-powered guns (whether loaded or unloaded), knives, razors, clubs, electric weapons, metallic knuckles, martial arts weapons, ammunition, and explosives.
Assault/Battery	An offensive attack (this includes unwanted contact with a staff member intervening to stop a fight) whether physical or with an instrument that is used as a weapon on any staff member(s), or student(s) who has not participated in or provoked the confrontation; any act causing physical abuse or injury. Such behavior shall include, but not be limited to, occurrences on school property, in school buses/vehicles, or any school sponsored activities.
Extortion	The solicitation of money, or anything of value, from another person in return for protection or in connection with a threat to inflict harm.
Racial, Ethnic, Sexual Orientation or Sexual Harassment	Unwelcome sexual advances or comments, including but not limited to request for sexual favors, voyeurism, unwanted or offensive touching, racially derogatory comments, jokes, slurs, or remarks.

Gang Behavior	Determined gang behavior(s) whether a member, imitator, or by verbal admission. This includes, but is not limited to, wearing colors, using hand gesture/signals, graffiti, literature, names, rap, pictures or other paraphernalia whether in possession of or on the person, school grounds, school buses, or in locker.
Bullying / Cyber-bullying	Harassment, intimidation, or bullying behavior 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 House Bills 276 or 19 on dating violence means any intentional written, verbal, graphic or physical acts including cyberbullying involving the use of information and communication technologies such as email, cell phone and text messages, instant messaging, defamatory personal websites, social media accounts, and defamatory online personal polling websites, to support deliberate, repeated, and hostile behavior by an individual or group that is intended to harm others. 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. Such behaviors include those that a reasonable person under the circumstances should know will have the effect of causing mental or physical harm to the other student/school personnel including placing an individual in reasonable fear of physical harm and/or damaging of students' personal property; and are sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student/school personnel.
Violation of Local School Contract	Violations while on local school and/or system-wide contract, or violations of conditional enrollment in the school system
School Disturbances	Acts which cause disruption of the school environment and/or threaten the safety or well-being of other students and/or staff, which may include, but is not limited to walk-outs, sit-ins, rioting, picketing, trespassing, reckless or careless operation of a vehicle on or near school property or near a school bus, inciting disturbances, threats to the school, pranks, or actual violence during a period of disruption.
Vandalism	Destruction/damage/attempts/threats/vandalism or threats to destroy, damage or deface school, private, or public property which includes, but is not limited to setting fires, attempts to destroy, damage, or deface school or staff property or property used by the school including, but not limited to, breaking windows, graffiti, destroying restroom fixtures, the use of paint or any other materials to deface school property (furnishings and equipment housed within or upon the school property). Student must make restitution for damages to school property.
Conduct Outside of School Hours or Away from School	Any conduct outside of school hours or away from school which may adversely affect the educational process or endanger the health, safety, morals, reputation, and/or wellbeing of other students, teachers, or other employees of the school system. This includes the malicious postings on electronic media or the unauthorized use of the DECA Middle name or logo.

DISCIPLINARY OPTIONS

The following are some examples of disciplinary options that may be used by the principal and staff. The options are not listed to indicate any progressive order that is to be followed. Corrective measures that can be used for discipline include, but are not limited to: verbal reprimand, special assignments, schedule changes, parent(s)/guardian(s) conferences or letters indicating student's misbehavior, student mediation, contracts, time-outs for limited periods of time, detentions, conferences with student, administrative referrals, parent(s) following student's schedule, temporary separation from peers, loss of class or school privileges, restitution, restorative actions, community service, and/or Extended After School Detentions, Saturday School. Unmodified behaviors can lead to out-of-school suspension and recommendation for expulsion.

Temporary Removal The temporary isolation of the student within the classroom or from classmates to another supervised setting within the school.

Lunch Detention The loss of social lunch privileges and recess privileges. Students will be required spend lunch and recess in a quiet room.

Detention A student is detained outside of regular school hours after school. Students must be given adequate notice so that transportation can be arranged if necessary.

Restorative Measures A mechanism allowing the reparation of harm that is caused by rule violation(s). Measures include but are not limited to peer mediation to resolve conflict among students, or a meeting between a student and teacher to solve disagreement or restitution.

Student Conference An opportunity for school staff and student(s) to discuss issues related to student behavior and/or discipline. A written contract may be generated.

Behavior Contract A student found guilty of certain offenses may be placed on a behavior contract by the school administration. Probation represents a trial period during which a student is expected to adhere to school and system-wide rules and regulations. Failure to do so may result in further disciplinary action, including possible referral to school administrators.

Parent/Guardian Conference An opportunity for school administrator(s) and parent(s)/guardian(s) to discuss issues related to student behavior and/or discipline.

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 school premises, then the Superintendent, principal or assistant principal may remove the student from curricular activities or from the school premises. Emergency Removal may also be used as a preliminary step toward setting a conference/hearing designed to either resolve a disciplinary problem or assign a period of suspension. The conference will provide staff the opportunity to discuss the problem. The student and parent/guardian will be granted an opportunity to share their perspective on the matter. If a parent conference is requested, failure to attend scheduled conference(s) may result in an out-of-school suspension. In the event an out-of-school suspension is warranted, the initial days of removal will be deducted from the days of out-of-school suspension. Students are to remain home during school hours and not attend/participate in school sponsored function(s) until a conference/hearing occurs.

Extended After School Detention An extended detention from 3:30-4:30PM used as an alternative consequence to avoid suspension. Failure to serve an Extended After School Detention will result in suspension.

Out-of-School Suspension The removal of a student from school for a period of one (1) to ten (10) days. While students are suspended from school, they may be afforded the opportunity to receive some of their work assignments. During suspension, students are not permitted to participate in extracurricular activities and will not be assigned community service, job shadow or internship opportunities. Students may not attend any related school event on DECA Middle property or any district vehicle (including buses). Appeal procedures are available on the school's website and in this document.

Expulsion The removal of a student from school for a period of not more than 80 school days, unless the incident involves a knife, firearm or bomb threat. In the case of an incident involving a knife, firearm or bomb threat, the student will be expelled for one (1) year. During expulsion, students are not permitted to participate in extracurricular activities and will not be assigned community

service, job shadow or internship opportunities, or be on any DECA Middle property or any district vehicle (including buses). Expulsions may extend into the following school year.

Permanent Exclusion After obtaining or receiving proof of a conviction or adjudication, the Superintendent determines that the pupil's continued attendance in school may endanger the health and safety of other pupils or school employees, and gives the pupil and the pupil's parent(s)/guardian(s) written notice that the Superintendent intends to recommend to the DECA Middle Board of Trustees that the school adopt a resolution requesting the Ohio Superintendent of Public Instruction to permanently exclude the pupil from public school attendance.

Restitution Parents of students responsible for defacing or damaging school property/district vehicles are required to pay the cost of restoring or repairing the property.

CRIMINAL TRESPASS WARNING FOR STUDENTS

Ohio Revised Code Section 2911.21

No person, without privilege to do so, shall do any of the following:

1. Knowingly enter or remain on the land or premises of DECA Middle, the use of which is lawfully restricted to certain persons, purposes, modes, or hours, when the offender knows he is in violation of any such restriction or reckless in that regard.
2. Recklessly enter or remain on the land or premises of DECA Middle, as to which notice against unauthorized access or presence is given by actual communication to the offender, or in a manner prescribed by law, or by posting in a manner reasonably calculated to come to the attention of potential intruders, or by fencing or other enclosure manifestly designed to restrict access.
3. Being on the land or premises of DECA Middle, negligently fail or refuse to leave upon being notified to do so by the owner or occupant, or the agent or servant of either.

GLOSSARY OF TERMS

1. **Lawful Absences:** Absences defined by the Ohio law as personal illness (a written physician's statement verifying the illness may be required); illness in the family necessitating the presence of the child; quarantine of the home; death in the family; necessary work at home due to absence or incapacity of parent(s)/guardian(s); observation or celebration of a bona fide religious holiday; out-of-state travel (up to a max. four days per school year) to participate in a district-approved enrichment or extracurricular activity (any classroom assignment missed due to the absence shall be completed by the student); such good cause as may be acceptable to the Superintendent; and medically necessary leave for a pregnant student in accordance with Policy 5751.
2. **Level 1 Behavior:** (conduct that impedes orderly operation of classrooms, schools or district vehicles). Most often, these should be addressed by individual classroom teachers. Discipline approaches may include but are not limited to verbal reprimands, conducting parent conferences, assigning detentions and Extended After School Detention. Repeat violations may rise to a Tier 2 behavior.
3. **Level 2 Behavior:** (serious misconduct) Disciplinary actions that could be used to correct behavior may range from a parent conference to expulsion, as well as those actions listed under *Disciplinary Options* depending on the seriousness of the infraction and the student's conduct history.
4. **Level 3 Behavior:** (illegal and/or serious misconduct, life or health threatening as defined by state, county, or federal laws and/or school standards) A student charged with behavior that is classified as Level 3 can be removed from the school immediately and is subject to a recommendation for expulsion.
5. **Student Due Process Hearing:** Administration meets with the student to hear the circumstances related to an alleged violation of school rules, to determine guilt or innocence and to determine the consequences if the student is found responsible. Attorneys are not allowed to participate in these meetings; however, they may observe. Friends or relatives of the student and other members of the public who are not witnesses may not attend the hearing.

6. **Student Expulsion Hearing Panel (SEHP):** DECA Middle maintains a panel of school administrators (2 to 3 members, current or retired) who have no prior direct knowledge of the case to hear recommendations for expulsion, hear evidence presented by the principal, or witness statement(s) from the student and parent/guardian when a student is recommended for expulsion. The panel has the authority to affirm, reverse, or modify the recommendations of the Superintendent ranging from returning the student to school, referring the student to an outside agency for intervention, suspension, expulsion, or permanent exclusion.
7. **Waiver of Attending Expulsion Hearing:** Parent(s)/guardian(s) may sign a waiver if they choose not to attend any expulsion hearing. In the event parent(s)/guardian(s) or the student does not attend the hearing, it will proceed as scheduled.

IMPORTANT ADDITIONAL INFORMATION

1. Students under suspension or expulsion are not permitted to participate in extracurricular activities and will not be assigned community service, job shadow or internship opportunities, or be on any DECA Middle property or in any district vehicle (including buses).
2. Students are to notify an administrator or other staff members when illegal or suspected illegal items, dangerous items, or other items banned from school are found. Students shall not touch or handle such items, or receive or accept such items from other students.
3. School administrators and/or their designated representative possess the authority based on reasonable suspicion to conduct a reasonable search of students and their possessions. Lockers and desks may be searched at any time. Vehicles on school property or on property being used by the school or at any school function or activity may be searched at any time.
4. A student on his/her way to or from school, at any school function or activity, or any school-related activity, or at any school event held away from the school, or on a school bus is under the jurisdiction of school authorities and is subject to the rules and regulations as stated in this Student Code of Conduct. Violations of school policy that have their start on school property and continue off campus or beyond the school day remain subject to this code.
5. Students expelled through the second semester will not be allowed to participate in any school-sponsored activities.
6. Students must accept their responsibility to know the contents of this Student Code of Conduct and to abide by the rules of the school system.
7. Students found guilty of being an accessory such as assisting, planning participating and or encouraging to any violation of school rules are subject to the same penalties as students who are actively involved in committing such offenses.
8. Students are encouraged not to bring large sums of money and valuable items to school. DECA Middle will not be held responsible/liable for any lost, stolen, or damaged items brought to school. Students are not permitted to bring inappropriate items to school that are not related to the instructional process.
9. Computer and Internet Acceptable Use Guidelines must be reviewed and signed by students and parents annually.

DUE PROCESS RIGHTS

Emergency Removal of Students

When a student is being considered for an emergency removal, no prior notice or hearing is required for any removal under this policy. In all cases of normal disciplinary procedures where a student is removed from a curricular activity for less than one (1) school day and is not subject to further suspension or expulsion, the following due process requirements do not apply.

If an emergency removal exceeds one (1) school day, then a due process hearing will be held within three (3) school days after the removal is ordered. Written notice of the hearing and the reason for the removal and any intended disciplinary action will be given to the student as soon as practical prior to the hearing. If the student is subject to out-of-school suspension, the student will have the opportunity to appear at an informal hearing before the principal, assistant principal, Superintendent or designee and has the right to challenge the reasons for the intended suspension or otherwise explain his/her actions. Within one (1) school day of the decision to suspend, written notification will be given to the parent(s)/guardian(s) or custodian of the student. This notice will include the reasons for the suspension, the right of the student or parent(s)/guardian(s) to appeal to the Board or its designee and the student's right to be represented in all appeal proceedings. If it is probable that the student may be subject to expulsion, the hearing will take place within three (3) school days.

Suspension

When a student is being considered for an out-of-school suspension by the Principal or principal designee:

1. The student will be informed in writing of the potential suspension and the reasons for the proposed action.
2. The student will be provided an opportunity for an informal hearing to challenge the reason for the intended suspension and to explain his/her actions.
3. An attempt will be made to notify parents or guardians by telephone if a suspension is issued.
4. Within one (1) school day of the suspension, the Principal or principal designee will notify the parent, guardian or custodian of the student. The notice will include the reasons for the suspension and the right of the student, parent, guardian, or custodian to appeal to the Board or its designee; the right to be represented at the appeal; and the right to request the hearing to be held in executive session if before the Board. If the offense is one for which the School may seek permanent exclusion, then the notice will contain that information.
5. If a student leaves school property without permission immediately upon violation (or suspected violation) of a provision of the Student Code of Conduct or prior to an administrator conducting an informal hearing as specified above, and the student fails to return to school on the following school day, the Principal or administrator, may send the student and his/her parents/guardians notice of suspension. An offer will be extended to provide the student and/or his/her parents an informal hearing to discuss the reasons for the suspension and to allow the student to challenge the reasons and to explain his/her actions any time prior to the end of the suspension period.
6. Students who are suspended for a period of one to ten days are responsible for making up missed work. Students may contact their teacher/advisor via email. Students are not permitted to be on school ground or attend school sponsored functions for the duration of their suspension. Teachers are not expected to provide make up tutorials but students are required to make up summative assignments (e.g. tests, labs, papers) missed during the suspension period. Students will receive no credit for formative assessments (e.g. classwork, homework) administered during the suspension period. Students are allotted one day per day of suspension to complete summative assessments up to five school days.

Suspension Appeals

The student who is eighteen (18) or older or the student's parent(s), guardian(s), or custodian(s) may appeal the suspension to the Board or its designee. They may be represented in all such appeal proceedings. A verbatim record will be kept of the hearing which may be held in executive session at the request of the student, parent, or guardian, if held before the Board. Notice of intent to appeal must be filed in writing with the Superintendent or Chair of the Board within five (5) school days of the notice to suspend.

Suspension Appeal to the Court

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

Expulsion

When a student is being considered for expulsion by the Superintendent:

1. The Superintendent will give the student and parent, guardian, or custodian written notice of the recommended expulsion, including reasons for the recommended expulsion
2. The student and parent or representative have the opportunity to appear before the Student Expulsion Hearing Panel (SEHP) to challenge the proposed action or to otherwise explain the student's actions. The written notice will state the time and place to appear, which must not be earlier than three (3) school days nor later than five (5) school days after the notice is given, unless the Superintendent grants an extension upon request of the student or parent.
3. If the SEHP recommends expulsion, within one (1) school day of the expulsion, the Principal will notify the parent, guardian, or custodian of the student, and the Chair and Treasurer of the Board. The notice will include the reasons for the expulsion and the right of the student, parent, guardian, or custodian to appeal to the Board or its designee; the right to be represented at the appeal; and the right to request the hearing be held in executive session if before the Board. If the offense is one for which the School may seek permanent exclusion, then the notice will contain that information.
4. Students who have gone through a formal hearing and then expelled for a period of up to 80 days of school are not permitted to submit academic work during the expulsion period. Students are required to take their midterm or final exams and complete major projects. Teachers must provide expelled students the same study guide given to other students but are not expected to provide make up tutorials. Students are officially withdrawn from the school's records for the duration of the expulsion; therefore, missed class assignments are not included in a student's final grades.

Expulsion Appeals

A student who is eighteen (18) or older, or a student's parent(s), or guardian(s) may appeal the expulsion by the Student Expulsion Hearing Panel (SEHP) to the Board or its designee. They may be represented in all such appeal proceedings and will be granted a hearing before the Board or its designee. A verbatim record will be kept of the hearing which may be held in executive session at the request of the student, parent, or guardian. The procedure to pursue such appeal will be in accordance with regulations approved by the DECA Board. Notice of intent to appeal must be filed in writing within fourteen (14) calendar days of the SEHP decision to expel and sent to the Board Chair c/o DECA, 300 College Park Center, Dayton, OH 45469-2930. While a hearing before the Board may occur in executive session, the Board must act in public.

The Dayton Early College Academy Board of designee has the power to affirm, reverse, or modify in any respect the decision reached by the SEHP panel. The DECA Board or its designee must make its decision on an appeal within ten (10) school days after receipt of the written appeal notice. The decision of the Board or its designee is final unless appealed to the Montgomery County Common Pleas Court.

Expulsion Appeal to Court

Under State law, the decision of the Board may be further appealed to the Court of Common Pleas.