

Positive School Climate



for every student, every day
2011-2012
Student Code of Conduct
PreK-12

■ Zero Tolerance

Board Policy File JFC

“Students are expected to conduct themselves in a way that exhibits respect and consideration for the rights of others. Students of the District must conform with school regulations and accept directions from authorized school personnel. The Board has ‘zero tolerance’ of violent, disruptive, intimidating or any other inappropriate behavior by its students.

A student who fails to comply with established school rules or with any reasonable request made by school personnel on school property and/or at school-related events is subject to approved student discipline regulations. Students are also subject to discipline, as outlined in the *Student Code of Conduct*, for misbehavior that occurs off school property when the misbehavior endangers the health and safety of students within the district or adversely affects the education process. The Superintendent or his/her designee develops regulations which establish strategies ranging from prevention to intervention to address student misbehavior and provides continuing instruction in dating violence prevention in health education courses in grades 7-12.

Students and parents receive, at the beginning of each school year or upon entering during the year, written information on the rules and regulations to which they are subject while in school or participating in any school-related activity or event. The information includes the types of conduct which are subject to suspension or expulsion from school or other forms of disciplinary action. The Board directs the administration to make all students aware of the *Student Code of Conduct* and the fact that any violations of the *Student Code of Conduct* are punishable. The rules also apply to any form of student misconduct directed at a District official or employee or the property of a District official or employee, regardless of where the misconduct occurs.

Matters which might lead to a reduction of the expulsion period include the student’s mental and/or physical characteristics or conditions, the age of the student and its relevance to the punishment, the prior disciplinary history of the student and/or the intent of the perpetrator.

If a student violates this policy or the *Student Code of Conduct*, school personnel, students or parents should report the student to the appropriate principal. The administration cooperates in any prosecution pursuant to the criminal laws of the state of Ohio and local ordinances.

A student may be expelled for up to one year if he/she commits an act that inflicts serious physical harm to persons or property if it was committed at school, on other school property or at a school activity, event or program.

The Superintendent is authorized to expel a student from school for a period not to exceed one year for making a bomb threat to a school building, or to any premises at which a school activity is occurring at the time of the threat. Any expulsion under this provision extends, as necessary, into the school year following the school year in which the incident that gives rise to the expulsion takes place.”

The *Student Code of Conduct* is made available to students and parents and is posted in a central location within each building.

■ Building Security

In order to provide the safest environment possible, all Dayton Public Schools high school students may be subject to a security check and/or metal detector upon entering the building. Students will enter the building at the designated doors and may “walk through” a security system. If necessary, individual security checks may be done with a hand-held wand. In order to expedite security checks, please keep the following in mind:

1. Remove all keys from pockets or purses before going through the security check.
2. Remove all metal items and calculators from book bags.
3. See-through and/or mesh bags are strongly recommended.

Some items (i.e., mace on a student’s key chain or a “box cutter”) may be perfectly legal outside of school, but inappropriate for school. Parent(s)/guardian(s)/legal custodian(s) should be aware of what his/her children pack in their book bags and/or purses before leaving home.

■ District’s Steps Following Student Misbehavior

If a student commits or is accused of committing any offense, a school administrator will:

1. Investigate the incident, including meeting with the student and others involved to allow them to explain the situation.
2. Contact the parent(s)/guardian(s)/legal custodian(s) when necessary, explain the situation, and inform the parent of the corrective strategy that will be used.

■ What Parents Should Expect

When the principal finds that a student has committed an offense, the principal or another school administrator will:

- Notify the parent by telephone as soon as possible that the student has been involved in an offense and may be suspended.
- Send a letter to the residence of the parent(s)/guardian(s)/legal custodian(s) explaining the student’s suspension.

A parent may:

- upon request, meet with the principal to discuss the offense.
- receive a report on the school’s investigation.
- appeal the student’s suspension, if the parent is not satisfied with the principal’s decision.

■ Emergency Removal From School

(A description of the process can be found in Ohio Revised Code (O.R.C.) 3313.66 (C).) “If a pupil’s presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process taking place either within a classroom or elsewhere on the school premises”, an administrator may

remove a student from curricular activities or from the school premises. Upon receipt of a removal letter, parent(s)/guardian(s)/legal custodian(s) must report to a conference which will be held within three (3) school days.

The conference will provide staff, student(s) and parent(s)/guardian(s)/legal custodian(s) an opportunity to discuss the behavior and share perspectives on the matter. Failure to attend the 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.

■ Out-of-School Suspension

1. The superintendent or principal may suspend a student for up to ten (10) school days.
2. Written notice of suspension will be mailed to the student and parent(s)/guardian(s)/legal custodian(s) indicating reasons for suspension.
3. The student will be informed of his/her opportunity to appear before the principal or superintendent to challenge the reason(s) for the suspension or otherwise explain his/her actions.

■ Assignment to the Alternative Program in lieu of an Expulsion

If a student is involved in a **Level III** offense:

1. The student will be referred to the Expulsion Hearing Officer.
2. A **Notice of Intent to Expel** letter will be mailed to the parent(s)/guardian(s)/legal custodian(s). The letter will include the date and time of the expulsion hearing.
3. The student and parent(s)/guardian(s)/legal custodian(s) may bring a representative(s) to this hearing.
4. During the hearing, the Expulsion Hearing Officer will review the facts from the investigation to determine if any expulsion is warranted.
5. The student and parent(s)/guardian(s)/legal custodian(s) will be given an opportunity to explain their position.
6. After the hearing, the Expulsion Hearing Officer will decide the corrective strategy to be taken.
7. The results of the expulsion hearing and information on the appeal process will be mailed to the parent(s)/guardian(s)/legal custodian(s) within one day after the hearing. A student may be assigned to an **Alternative Program** in lieu of expulsion. If a student is assigned to the **Alternative Program**, the parent(s)/guardian(s)/legal custodian(s) has five (5) school days to accept the placement. If the **Alternative Program** is declined or the student fails to report on the designated enrollment date, the expulsion will be reinstated.

■ Appeal Process O.R.C. 3313.66 (E)

“A pupil or the pupil’s parent, guardian, or custodian may appeal the pupil’s expulsion by a superintendent or suspension by a superintendent, principal, assistant principal, or other administrator to the board of education or to its designee. If the pupil or the pupil’s parent, guardian, or custodian intends to appeal the expulsion or suspension to the board or its designee, the pupil or the pupil’s parent, guardian, or custodian shall notify the board in the manner and by the date specified in the notice provided under division (D) of this section. The pupil or the pupil’s parent, guardian, or custodian may be represented in all appeal proceedings and shall be granted a hearing before the board or its designee in order to be heard against the suspension or expulsion. At the request of the pupil or of the pupil’s parent, guardian, custodian, or attorney, the board or its designee may hold the hearing in executive session but shall act upon the suspension or expulsion only at a public meeting. The board, by a majority vote of its full membership or by the action of its designee, may affirm the order of suspension or expulsion, reinstate the pupil, or otherwise reverse, vacate, or modify the order of suspension or expulsion.

The board or its designee shall make a verbatim record of hearings held under this division. The decisions of the board or its designee may be appealed under Chapter 2506 of the Revised Code.”

** Notice of intent to appeal an expulsion must be filed with the Superintendent’s Office within fourteen (14) calendar days of the Superintendent’s decision to expel. Under state law, the decision of the Board may be further appealed to the Court of Common Pleas.

■ Permanent Exclusion

The Board may seek the permanent exclusion of a student 16 years of age or older who is convicted in criminal court, found delinquent, or found to have assisted in connection with any of the following offenses:

1. Illegal conveyance or possession of a deadly weapon or dangerous ordinance; carrying a concealed weapon; trafficking in drugs, including possession or sale of a bulk amount of a controlled substance.
2. Aggravated murder, murder, voluntary or involuntary manslaughter, felonious assault, aggravated assault, rape, gross sexual imposition or felonious sexual penetration involving a District employee on school grounds or at a school function. The Superintendent may consider permanent exclusion based on the severity or number of offenses.

■ Suspension and Expulsion for Students with Disabilities

All federal and state laws (e.g., Manifestation Determination), Board policies and administrative procedures must be followed in suspending and/or recommending expulsion for students with disabilities/impairments on Individualized Education Program (IEP)/Section 504 Related Aids and Services Plan. This does not necessarily preclude exclusion from school or school buses/vehicles, as a result of a crisis or any emergency or as provided by law.

■ Discipline for Pre-K and K Programs

Due to maturation levels, Pre-K and K programs may experience biting, kicking, and other behavioral problems. It is strongly recommended that building staff, parent(s)/guardian(s)/legal custodian(s), appropriate district personnel, and community agencies work collaboratively to develop and implement corrective strategies for working with difficult and hard to manage students. It is ultimately the decision of the building administrator to determine the most appropriate method. The building administrator must employ corrective strategies that will ensure the safety of all.



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Dear Dayton Public Schools Family:

A safe and secure environment must be in place for effective teaching and learning to occur. High-quality education is our district's number-one goal, as stated in our strategic plan. Our Student Code of Conduct provides a no-nonsense approach to student behavior, allowing students to take advantage of learning opportunities free from classroom disruption.

The Student Code of Conduct is a living document that is reviewed and revised regularly to reflect current Ohio law and district policy; it is designed to ensure safe and orderly schools.

Your comments and questions regarding the Student Code of Conduct are welcome. Please feel free to contact us at 937.542.3228. We look forward to serving your family and wish all our students an excellent school year free from disciplinary issues.

Educationally yours,

Lori L. Ward
SUPERINTENDENT
DAYTON PUBLIC SCHOOLS

Vision

An innovative district of champions where students are academically and culturally prepared by a team committed to developing critical thinkers and productive citizens ready to serve the world community.

VISION FOR A POSITIVE SCHOOL CLIMATE

Dayton Public Schools

*Will provide safe and orderly environments as evidenced
by positive student behavior*

The Purpose of the *Student Code of Conduct* is:

- To provide clear and explicit expectations and regulations governing student behavior, activities, and discipline.
- To provide a framework for building a safe and effective academic community.
- To specify guidelines for teaching and encouraging behaviors necessary to meet the district's behavioral initiative.
- To describe explicit methods of corrective instruction and consequences for behavioral infractions.

Dayton Public Schools' Philosophy of Student Conduct and Discipline

Parents, communities, and schools play a key role in shaping student behavior. Developing a student's self-discipline is a legitimate and constructive goal of education. Schools must maintain standards of conduct and discipline to ensure that students and school personnel have a safe and orderly learning environment. All students have the right to learn, and no student has the right to disrupt the learning process of others. Therefore, students are prohibited from interfering with or engaging in behaviors endangering the safety of others. This includes behavior that occurs before, during, and after school; in school buildings; on school property; at school-related programs; on the way to or from school; and on school vehicles or Regional buses that bring students to or from school.

The district's *Student Code of Conduct* provides examples of expected behaviors, definitions of behavioral infractions (including its severity--Level I, II, or III), and possible corrective strategies. Some definitions include examples which are not intended to be exhaustive lists; that is, the behaviors covered by the definitions include, but are not limited to, the examples provided. Persistent violations (four offenses, either all Level I or in combination with Level II) of the *Student Code of Conduct* or violations of criminal laws are considered incorrigible conduct. Prompt and effective corrective actions will be taken to address these behaviors. All Dayton Public Schools will have site specific codes of conduct for extracurricular and co-curricular activities.

Behavioral Expectations and Examples

1. Be Safe

Examples

*Obey rules and laws regarding use of alcohol, tobacco and drugs.
Choose peer groups that demonstrate safe, respectful, and responsible behavior.
Obey the laws of the community.*

2. Be Respectful

Examples

*Be respectful to all adults and peers.
Listen to and follow the directions of school staff.
Be respectful toward property.
Take care of school materials.
Demonstrate positive social skills.
Use polite words (e.g., Please, Thank you, You are welcome...).
Resolve conflict in a positive manner.*

3. Be Responsible

Examples

*Bring or request needed materials.
Complete work on time.*

Corrective Strategies for **Level I** Behaviors

District-Wide Behavioral Expectations	Examples of Expected Behavior	Infractions of Behavioral Expectations (Level I Offenses)
BE SAFE	<ul style="list-style-type: none"> • Stay in assigned areas • Follow directions • Obey classroom/school rules 	<ul style="list-style-type: none"> • Disruptive Behavior • Violating Local School Rules
BE RESPECTFUL	<ul style="list-style-type: none"> • Follow school rules • Obey classroom directions 	<ul style="list-style-type: none"> • Parking and Traffic Violations
BE RESPONSIBLE	<ul style="list-style-type: none"> • Arrive at school/class on time • Maintain acceptable attendance 	<ul style="list-style-type: none"> • Excessive Tardiness

Possible Corrective Strategies (Multiple options may be selected from the list below depending on individual students' needs. This is not intended to be an exhaustive list). *Items are not listed in any chronological or progressive order. Selections from this list should be made in the least restrictive manner.*

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| <ul style="list-style-type: none"> • Re-teach the behavioral expectations • Parent conference/contact • Require the student to complete a community service task/special assignment • Have the student choose a method of apologizing or making amends to those harmed or offended • Time-out • Building level behavioral curriculum activities • Loss of privileges | <ul style="list-style-type: none"> • Student conference • Create a behavior/school contract that includes expected student behaviors, as well as consequences for infractions and incentives for demonstrating expected behaviors • Provide a reflective activity • Employ appropriate school/district classroom behavioral management strategies • Detention, during which the student completes work • Referral to the Truancy Department • Student mediation |
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Corrective Strategies for **Level II** Behaviors

District-Wide Behavioral Expectations	Examples of Expected Behavior	Infractions of Behavioral Expectations (Level II Offenses)
BE SAFE	<ul style="list-style-type: none"> • Keep hands and feet to yourself • Remain in assigned areas • Solve problems peacefully • Be aware of your surroundings • No smoking or drinking 	<ul style="list-style-type: none"> • Fighting • Inappropriate Bus Behavior • Inciting to Fight and/or Contributing to a Disruptive Situation • Possession/Use of Tobacco or Tobacco Products • Threats to Staff/Students
BE RESPECTFUL	<ul style="list-style-type: none"> • Consider the feelings of others • Use polite words • Follow the dress code • Follow the district’s internet guidelines 	<ul style="list-style-type: none"> • Dress Code • Insubordination • Inappropriate Internet Usage • Inappropriate Physical Contact • Profanity • Verbal Abuse of Staff
BE RESPONSIBLE	<ul style="list-style-type: none"> • Ask before borrowing • Follow school rules • Be truthful and honest • Take care of school property • Keep your school clean 	<ul style="list-style-type: none"> • Academic Dishonesty • Destruction of School Property • Forgery/Falsification • Inappropriate Use of Electronic Devices • Leaving School Without Permission • Repeated Violations of School Rules
<p>Possible Corrective Strategies (Multiple options may be selected from the list below depending on individual students’ needs. This is not intended to be an exhaustive list). <i>Items are not listed in any chronological or progressive order. Selections from this list should be made in the least restrictive manner.</i></p> <ul style="list-style-type: none"> <li style="width: 50%;">• Parent conference/contact <li style="width: 50%;">• Student conference <li style="width: 50%;">• Self-Management (ex., Check-in/Check-out, behavioral contract, daily progress log, or class-by-class check-in for a set period of time) <li style="width: 50%;">• Written reflection <li style="width: 50%;">• Restitution <li style="width: 50%;">• Office Referral <li style="width: 50%;">• Create a home/school communication system <li style="width: 50%;">• Referral for counseling <li style="width: 50%;">• Peer Mediation <li style="width: 50%;">• Identify a mentor and establish a schedule of activities related to school performance <li style="width: 50%;">• In-school/Out-of-school suspension <li style="width: 50%;">• Referral to Dayton Mediation Center <li style="width: 50%;">• Participate in an age-appropriate behavioral intervention (e.g., social skills group) <li style="width: 50%;">• Referral to Intervention Assistance Team <p style="text-align: center;">Also include Corrective Strategies listed in Level I</p>		

Corrective Strategies for **Level III** Behaviors

District-Wide Behavioral Expectations	Examples of Expected Behavior	Infractions of Behavioral Expectations (Level III Offenses)
BE SAFE	<ul style="list-style-type: none"> • Eat and drink healthy foods • Ask for help if you don't feel safe • Solve problems peacefully 	<ul style="list-style-type: none"> • Arson • Bullying/Cyber-bullying/Harassment/Hazing/Intimidation • Firearm Look-a-Likes • Gang Behavior • Possession/Intent to Sell/Sale/Distribution/Use/Under the Influence of Alcohol/Controlled Drugs • Possession/Use of Dangerous Weapon/Look-a-Like Weapon/Incendiary Device • Serious Bodily Injury • Possession/Use/Sale/Distribution of Firearm/Knife
BE RESPECTFUL	<ul style="list-style-type: none"> • Accept refusals gracefully • Consider the feelings of others • Cope with it when the answer is "no" 	<ul style="list-style-type: none"> • Extortion • Harassment/Intimidation • Sexual Misconduct
BE RESPONSIBLE	<ul style="list-style-type: none"> • Obey laws • Choose the right time to celebrate • Respect other people's property 	<ul style="list-style-type: none"> • Bomb Threats/False Alarms • Conduct Outside of School Hours or Away from School • Explosive and/or Incendiary Devices • Gambling • Loitering/Trespassing • Theft/Attempt/Possession • Vandalism • Violation of School-Wide Contract

Possible Corrective Strategies (Multiple options may be selected from the list below depending on individual students' needs. This is not intended to be an exhaustive list). *Items are not listed in any chronological or progressive order. Selections from this list should be made in the least restrictive manner.*

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| <ul style="list-style-type: none"> • Mandatory administrative referral • Time in an Alternative to Suspension or Expulsion program while support plans are developed • Referral to a community mental health agency • Referral to Dayton Mediation Center | <ul style="list-style-type: none"> • Work with juvenile court to identify opportunities for restitution • Recommendation for expulsion • File charges if law is broken • Complete a Functional Behavioral Assessment/Behavior Intervention plan |
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Also include Corrective Strategies listed in Levels I and II

DEFINITION OF TERMS FOR LEVEL I OFFENSES

Level I Offenses - (conduct that impedes the orderly operation of classrooms, schools and/or district vehicles) cover students who commit, attempt to commit, aid or abet the commission of, conspire to commit, or participate in any manner, even though unaccomplished, any of the offenses designated in this section. A student charged with behavior that is classified as a **Level I** offense should receive corrective strategies in the classroom and/or building and not be excluded from school.

Disruptive Behavior

Intentional acts, behaviors, or conduct in the classroom, in the school, upon school grounds, to or from school or while engaged in school-related activities that cause minor disruptions to the educational process.

Excessive Tardiness

Repeated failure to report, without an acceptable excuse, to school or classroom or other instructional area after the “tardy bell.”

Excessive tardiness is defined as:

- A) 7 consecutive unexcused tardies
- B) 10 unexcused tardies in one month
- C) 15 unexcused tardies in one school year

Parking and Traffic Violations

Parking on school property or in designated areas of the parking lot without a permit during instruction, extracurricular activities, or authorized school business is prohibited. Each student who chooses to park a vehicle on school property must purchase a parking permit. Students who purchase a parking permit will be given a decal sticker and parking and traffic regulations. Parking permits must be renewed upon expiration. There will be no student parking at and no permits issued for PK-8 schools. ***Dayton Public Schools and its employees will not be liable under any circumstance for any loss or damage to students’ vehicles or the content(s) of said vehicles parked on Dayton Public Schools premises.***

Violating Local School Rules

Noncompliance with established procedures for playground activities, hallway behavior, proper assembly conduct, use of the lunchroom facilities, and/or codes of conduct that are specific to respective buildings and school buses/vehicles. Students found guilty of being an accessory to (e.g., assisting, planning, participating, and/or encouraging) any violation of school rules are subject to the same corrective action as students who are actively involved in committing such offenses.

DEFINITION OF TERMS FOR LEVEL II OFFENSES

Level II Offenses - (serious misconduct) cover students who commit, attempt to commit, aid or abet the commission of, conspire to commit, or participate in any manner, even though unaccomplished in the commission of any of the offenses designated in this section. A student charged with behavior that is classified as a **Level II** offense may be removed from the building.

Academic Dishonesty

No student will copy the work of another without citation. This includes previously written work, or part thereof, on a test or assignment, or improperly consulting notes or other answer sources (e.g., Cha Cha).

Destruction of School Property

Loss, destruction, defacement, or inappropriate use of textbooks, media center materials, computers and/or computer-related materials, is considered to be destruction of school property.

Dress Code

Dressing or grooming in a manner that disrupts the teaching or learning of others is prohibited. This includes but is not limited to ski masks; hats; doo rags; bare midriffs; skirts or dresses above mid-thigh; pants worn below the waistline; full-face coverings; and clothing with reference to drugs, alcohol, sex, or vulgar/hate messages. Failure to follow uniform dress code in applicable buildings is also prohibited.

Fighting

A physical altercation between two or more students, in which a student's actions do not represent reasonable self defense is considered to be fighting. This also includes the mutual participation in an incident involving physical violence.

Forgery/Falsification

Acts, including but not limited to, falsifying school records, forging signatures, making or providing false statement(s), counterfeiting, bribery, and/or using an unauthorized computer user ID or passwords are considered to be forgery/falsification.

Inappropriate Bus Behavior

Any behavior or action that distracts a bus driver, causes a dangerous situation or disturbs the orderly operation of a bus is considered inappropriate bus behavior. Students must comply with the Ohio Department of Transportation (ODOT) regulations posted on the bus. Eating, drinking, being out of seat, transporting of animals or glass containers, spitting, throwing of any objects, extending any body parts through a school bus/vehicle window, or using the emergency exit when there is no emergency are prohibited. 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 the school bus, the parent(s) must contact the building principal to resolve any concerns.

DEFINITION OF TERMS FOR LEVEL II OFFENSES (Cont.)

Inappropriate Internet Usage

All students are required to comply with the district's Internet Acceptable Usage guidelines included in this booklet.

Inappropriate Physical Contact

Fondling, touching, or kissing in school facilities, on school grounds, at school-related activities, or while on buses transporting students to and from school-related events is prohibited.

Inappropriate Use of Electronic Devices

Devices that impede or interrupt the educational process include, but are not limited to, video games, beepers, cellular phones, radios, CD/tape players, MP3 players, iPods, laser pens and other similar devices. Such electronic devices are not to be seen, used, or heard in the school building during school hours and shall not be used at anytime to disrupt the educational process. *Devices will be confiscated and returned only to parent/guardian. DPS will not be held responsible/liable for any lost, stolen, or damaged cell phones/electronic devices.*

1st offense- Conference with student and/or parent/guardian/legal custodian.

2nd offense- 3-day suspension with student placed on a behavior contract.

3rd offense/subsequent offense(s) and contract violation- Referral to Student Expulsion Hearing Committee.

Inciting to Fight and/or Contributing to a Disruptive Situation

The intentional incitement to engage another student in physical conflict and/or continuous harassment; or the promotion of misconduct for any purpose. This includes, but is not limited to, possession of a cigarette lighter, fire crackers, or a knife (blade of less than 2 1/2 inches).

Insubordination

Refusing to comply with a reasonable request from school personnel or disobeying any general rule of the school, including not following directions of teachers, school administrators, or other staff members (e.g., refusing to leave an area or stop engaging in aggressive/disruptive behavior).

Leaving School Without Permission

Leaving class, school, or school grounds during the designated school day without first obtaining permission from the principal or principal's designated representative and/or not reporting or returning to class or school activities.

Possession/Use of Tobacco or Tobacco Products

Smoking or the use of any tobacco products shall be prohibited on all lands and inside all facilities and motor vehicles owned or leased by the district. The use of, or the possession of any form of tobacco or tobacco products while in or upon the school premises is prohibited.

Profanity

Swearing and/or cursing in school buildings, on school buses/vehicles or on school grounds is prohibited.

Repeated Violations of School Rules

The commission of four offenses either all Level I or in combination with Level II or violations of the criminal laws.

Threats to Staff

Intentional threat by word or action to do violence to a staff member or his/her property; in addition, any act which creates a well-founded fear within the staff member.

Threats to Student

Intentional threat by word or action to do violence to another student, or his/her property; in addition, any act which creates a well-founded fear within the student of imminent harm to their person or property.

Truancy

Truancy is an unexcused absence from school.

Verbal Abuse of Staff

Any profane or insulting remarks or gestures directed at any Dayton Public Schools' staff member, volunteer, visitor, student, teacher or bus driver.

DEFINITION OF TERMS FOR LEVEL III OFFENSES

Level III Offenses - (illegal and/or serious misconduct that is 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 III** may be removed from the school immediately and recommended for expulsion.

Arson

Setting fire, or attempting to set fire to school property, 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.

Assault/Battery

A physical attack that results in serious bodily injury and the actions do not represent reasonable self-defense.

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 or buses.

Bullying/Cyber-bullying/Harassment/Hazing/Intimidation

Hazing means doing any act or coercing another, including the victim, to do any act of initiation into any student or other organization that causes or creates a substantial risk of causing mental or physical harm to any person.

Throughout this definition, the term bullying is used in place of harassment and intimidation.

Bullying, harassment and intimidation are intentional written, verbal or physical acts that a student has exhibited toward another particular student more than once. The intentional act also includes violence within a dating relationship. The behavior causes either mental or 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. This behavior is prohibited on school property or at a school-sponsored activity.

Prohibited activities of any type, including those activities engaged in via computer and/or electronic communications devices, are inconsistent with the educational process and are prohibited at all times. No administrator, teacher or other employee of the District shall encourage, permit, condone or tolerate any hazing and/or bullying activities. No students, including leaders of student organizations, are permitted to plan, encourage or engage in any hazing and/or bullying.

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, ethics, reputation, and/or well-being of other students, teachers, or other employees of the school system.

Explosive and/or Incendiary Devices

Any destructive device, which includes a bomb, a grenade, a rocket having a propellant charge of more than four ounces, a missile having an explosive or incendiary charge of more than one-quarter ounce, and a mine or similar device. This definition would also include any weapon that will, or that may be readily converted to, expel a projectile by the action of an explosive or other propellant, and that has any barrel with a bore of more than one-half inch in diameter.

Extortion

Solicitation of money, or anything of value from another person in return for protection or in connection with a threat to inflict harm.

Firearm Look-a-Likes

Any item that resembles a firearm but does not have the explosive characteristics of a firearm but may use a spring-loaded device or air pressure by which to propel an object of substance (e.g., toy guns, cap guns, bb guns, pellet guns and any other look-a-like firearm).

Gambling

Betting money or items on card games, dice games, the outcome of games or activities, and/or possession of gambling materials or paraphernalia.

DEFINITION OF TERMS FOR LEVEL III OFFENSES (Cont.)

Gang Behavior

For purposes of this definition, a “gang” is any group of two or more persons whose purposes include the commission of illegal acts or acts in violation of disciplinary rules of the District. “Gang-related activity” includes but is not limited to the prohibited conduct set forth here: No student on or about school property or at any school activity shall (1) wear, possess, use, distribute, display or sell any clothing, jewelry, emblem, badge, symbol, sign or other items that evidences or reflects membership in or affiliation with any gang; (2) engage in any act, either verbal or nonverbal, including gestures or handshakes, showing membership or affiliation with any gang; or (3) engage in any act in furtherance of the interests of any gang or gang activity, including, but not limited to:

- A. soliciting membership in or affiliation with any gang;
- B. soliciting any person to pay for “protection” or threatening any person, explicitly or implicitly, with violence or with any other illegal or prohibited act;
- C. painting, writing or otherwise inscribing gang-related graffiti, messages, symbols or signs on school property;
- D. engaging in violence, extortion or any other illegal act or other violation of school policy; or
- E. soliciting any person to engage in physical violence against any other person.

In identifying gang behavior, school officials are encouraged to exercise discretion and judgment based upon current circumstances in their schools, neighborhoods, and areas.

Harassment/Intimidation

Repeatedly annoying or attacking another using physical, verbal, written, or electronic action that creates fear of harm, an intimidating or hostile environment, without displaying a weapon and without subjecting the victim to actual physical attack (e.g., hazing and threat of harm).

Loitering/Trespassing

Refusing to leave any school property after being instructed to do so by school staff, law enforcement, or visiting/returning to school property during the instructional day without appropriate authorization.

Possession/Intent to Sell/Sale/Distribution/Use of Controlled Drugs

Possessing, carrying, selling, distributing, or concealing any controlled drug other than prescription medication that has been administered in accordance with the district’s policies. No such item(s) shall be in a student’s possession at school-related activities, on buses, or in a student’s desk or locker. **An infraction of this section will result in a 10-day suspension and a recommendation for expulsion.**

Consuming and/or showing evidence of having consumed drugs or other illegal substances and/or attending school while under the influence of drugs will result in:

1st Offense- 10-day suspension/drug education/treatment program and behavior contract.

2nd Offense- 10-day suspension, violation of contract, recommendation to the Student Expulsion Hearing Officer.

Possession/Intent to Sell/Sale/Distribution of Drug Paraphernalia/Look-a-Likes/Non-Controlled Substances

Possessing, carrying to sell, and/or concealing drugs or items that may be considered as look-a-like drugs or substances represented to be drugs of the seller or distributor and/or thought to be drugs by the buyer or receiver Attempting to sell or distribute any prescription and over-the-counter medicines, chemical substances, and all other legal substances. Drug-related paraphernalia includes, but is not limited to, pipes, clips, rolling papers, and other items used or related to drug use. No such items shall be in a student’s possession at school-related activities, on buses, or in a student’s desk or locker.

Possession/Under the Influence of Alcohol

Possessing, carrying, concealing, consuming or showing evidence of having consumed alcoholic beverages.

Possession/Use of a Dangerous Weapon/Look-a-Like Weapon/Incendiary Device (other than a firearm)

Possession of, on or about their person (locker, desk, book bags, bus, etc.) or at school/school-related activities, a weapon, device, instrument, material or substance designed as a weapon or used as a weapon [e.g., rattail comb, box cutter, utility knife of any size, any razor (e.g., straight, regular, retractable, double or single edge), gas repellent, stun gun, fireworks, bullets, ammunition, smoke bomb, paint bomb, stink bomb, chemical sprays, lighters, and/or martial arts devices (e.g., throwing star, nunchakus, darts, blackjacks, chains, clubs, metals/brass or any artificial knuckles, rings, pipes, studded or pointed bracelets)] that is capable of causing death or serious bodily injury is prohibited.

DEFINITION OF TERMS FOR LEVEL III OFFENSES (Cont.)

Possession/Use/Sale/Distribution of a Firearm

A firearm is any weapon which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; or any machine gun. This includes zip guns, starter guns, and flare guns. **Firearm look-alikes should not be reported with this option.** Possession of a firearm **will** result in an expulsion for one (1) full year. The Superintendent may lessen this expulsion based on intent, age, previous discipline record, academic record, and/or disability on a case-by-case basis.

Possession/Use/Sale/Distribution of a Dangerous Weapon (Knife) *other than a firearm or explosive, incendiary or poison gas*

Possession of, on or about their person (e.g., locker, desk, book bags or bus) or distribution of any weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except that such a term does not include a pocket knife with a blade of less than 2 1/2 inches in length (e.g., Bowie, dirk, lock blade, hunting or swithblade). Possession of a knife **may** result in an expulsion for one (1) full year.

School Disturbance

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, or inciting, disturbances, threats to the school, pranks, or actual violence during a period of disruption.

Serious Bodily Injury

An incident that results or is intended to result in serious bodily injury to oneself or others. Serious bodily injury is defined as any bodily injury that involves substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ or faculty.

Sexual Misconduct

Engagement of any sexual acts including, but not limited to, vulgar/obscene words or gestures, indecent exposure, possession of profane/vulgar/obscene material, possession/distribution of derogatory/offensive poster(s), cards, pictures, cartoons, graffiti, or drawings on school property/buses or at school-sponsored activities.

Unwelcome Sexual Conduct

Unwelcome sexual advances, requests for sexual favors, other physical or verbal conduct or communication of a sexual nature, including gender-based harassment that creates an intimidating, hostile, or offensive education or work environment (i.e., pinching, grabbing, suggestive comments, gestures or jokes or pressure to engage in sexual activity).

Theft/Attempt/Possession

Unlawful taking or disposition of another's property with the 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). Students are encouraged not to bring inappropriate non-instructional or valuable items and large sums of money to school. ***The Dayton Public Schools will not be liable for any lost, stolen or damaged items brought to school.***

Vandalism

Destruction/damage/attempts and threats to destroy/damage/deface school, private, personal, or public property. This includes, but is not limited to, setting fires, attempting to destroy/damage/deface a school or staff property or property used by the school including, but not limited to, breaking windows, graffiti, destroying restroom fixtures, using paints or any other materials to deface school property (e.g., furnishings and equipment housed within or upon the school property). Student must make restitution for damage to school property.

Violation of School-Wide Contract

Violations while on local school and/or system-wide contract, or violation of conditional enrollment in the school system.

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District Code	Offense Title
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223	Destruction of School Property
226	Dress Code
229	Fighting
232	Forgery/Falsification
235	Inappropriate Bus Behavior
236	Inappropriate Internet Usage
238	Inappropriate Physical Contact
241	Inappropriate Use of Electronic Devices
244	Inciting a Fight and/or Contributing to a Disruptive Situation
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250	Leaving School Without Permission
253	Possession/Use of Tobacco or Tobacco Products
256	Profanity
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262	Threats to Staff
265	Threats to Student
268	Truancy
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Level III Offenses

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330	Assault/Battery
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336	Bullying/Cyber-bullying/Harassment/Hazing/Intimidation
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345	Extortion
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351	Gambling
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369	Possession/Under the Influence of Alcohol
372	Possession/Use of a Dangerous Weapon/Look-a-Like Weapon/Incendiary Device (other than a firearm)
375	Possession/Use/Sale/Distribution of a Firearm
378	Possession/Use/Sale/Distribution of a Dangerous Weapon (Knife) other than firearm or explosive, incendiary or poison gas
381	School Disturbance
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390	Unwelcome Sexual Contact
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396	Vandalism
399	Violation of School-Wide Contract

COMPUTER AND INTERNET USAGE

Students shall abide by the Dayton Public Schools' Acceptable Use Policy as it relates to computer use and access to the Internet. Students will not use the district system to access material that is profane or obscene (pornography), advocates illegal acts, violence or discrimination towards other people (hate literature), or that promotes entertainment, criminal skills, non-educational chat groups, dating, and matchmaking. If users inadvertently access such information, they should immediately disclose the inadvertent access in a manner specified by their school. This will protect users against an allegation that they have intentionally violated the Acceptable Use Regulations. Students will adhere to the following guidelines while using the district system or equipment, during school hours and at school-sponsored events, and while out of school when the actions would materially and substantially disrupt the work and discipline of the school.

Computer and Internet Acceptable Use Guidelines

To ensure personal safety, students will:

- Not post personal contact information about themselves or other people.
- Not agree to meet with someone they have met online.
- Promptly disclose to their teacher or other school employee any message they receive that is inappropriate or makes them feel uncomfortable.

To prevent illegal activities, students will:

- Not attempt to gain unauthorized access to the district system or to any other computer system through the district system, or go beyond their authorized access.
- Not make deliberate attempts to disrupt the computer system performance or destroy data by spreading computer viruses or by any other means.
- Not use the district system to engage in any illegal act, such as arranging for a drug sale, purchasing alcohol, engaging in criminal gang activity, or threatening the safety of any person(s).

To maintain system security, students will:

- Be responsible for the use of their individual applicable account and should take all reasonable precautions to prevent others from being able to use their account.
- Avoid the inadvertent spread of computer viruses by following the district's virus protection procedures.
- Not connect or attach any unauthorized device to a district computer or the district network. Authorized devices are external storage devices designed to store student/personal data (e.g., USB portable storage devices).

To demonstrate respect for resource limits, students will:

- Use the system only for educational and professional or career development activities with no time limit, but limit (no more than 1 hour per week) high quality, self-discovery activities.
- Not download large files unless absolutely necessary.
- Not post chain letters or engage in "spamming."
- Subscribe only to high-quality discussion group mail lists that are relevant to their educational, professional, or career development.

To prevent plagiarism and copyright infringement, students will:

- Not plagiarize works that they find on the internet.
- Respect the rights of copyright owners.

To respect the integrity of others, students will:

- Not post malicious or harassing information or comments on social networking websites or gossip websites, and will not create false profiles on social networking websites such as, but not limited to, Facebook, JuicyCampus, etc.
- Refrain from cyber-bullying via any form of electronic communications (such as, but not limited to, text messaging or email).
- Not take, send, or forward any inappropriate digital image or picture via their personal or school electronic device.

Violation of the above is considered a Level II offense.

ABSENCES AND TRUANCY

An excused absence is one which has been classified as excused by the building administration. An absence which falls under one (1) of the six (6) Board of Education approved reasons for absences will be classified excused if the building attendance procedure(s) is followed by the student, parent or person acting as parent if a student is absent. The parent/guardian shall call the school as soon as possible. **The student must bring a signed note from the parent/guardian stating the reason(s) for non-attendance upon the return date (see section 3321.191). Three (3) consecutive absences due to illness of the student require a doctor's note upon the student's return to school.** An excused absence will be recorded as an absence on the student's attendance record, for the following reasons:

- Illness of student
- Illness in the family
- Death in the family
- Quarantine for contagious disease
- Those approved in advance by the principal upon written request by the parent, or adult student
- An act of God

Daily attendance impacts academic success. Excessive absences can contribute to school failure. When an absence is necessary, a student's parent(s)/guardian(s)/legal custodian(s) should report the absence to school officials before the assigned school starting time.

Students found in the community during school hours may be stopped by designated officials and asked to show just cause for not being in school. If the student cannot provide appropriate documentation, he/she will be directed to return to school.

Appropriate documentation includes:

1. The student has written permission from school authorities excusing him/her from school at that particular time.
2. The student is with a parent(s)/guardian(s)/legal custodian(s).
3. The student's school is not in session – not counting students that are expelled or suspended.
4. The student has a work permit – travel to and from the job only.
5. The person is on an emergency errand – this will be verified.

The district will:

1. Consider a student a **chronic or habitual** truant because of a lack of appropriate documentation for his/her absences/tardies. (*See glossary for a definition of chronic and habitual truants.*)
2. Provide the parent and/or student Truancy Legal Notice.

The administration of Dayton Public Schools strongly discourages the use of suspension and/or expulsion from school to enforce attendance or to deter unexcused absences.

GLOSSARY

Alternative Program/Building-Longfellow Alternative School

A student who is expelled from Dayton Public Schools may be referred to this program for academic support and counseling in lieu of expulsion. As a condition of enrollment, the student may not be on any other Dayton Public Schools' property nor attend or participate in any Dayton Public Schools' sanctioned activities or events. Any additional violations of the *Student Code of Conduct* or the rules of the alternative school will terminate enrollment in the alternative program, and the expulsion can be implemented for the original and/or new offense.

Behavior Contract

A school-wide/system-wide behavior contract by the school administrator, Expulsion Hearing Officer, or the Dayton Board of Education outlining adherence to rules and regulations. Failure to abide by the Behavior Contract may result in further disciplinary action, including possible referral to the Expulsion Hearing Officer Committee.

Chronic Truant

A school-age child who is absent from school without legitimate excuses for seven (7) or more consecutive days, ten (10) or more days in a school month, or fifteen (15) days or more in a school year.

Detention

The detaining of a student outside of regular school hours, either before school or after school.

Excused Absence

An excused absence is defined by the Ohio law as personal illness, illness in the immediate family (mother, father, sister and/or brother), quarantine of home, death of immediate family member(s) (mother, father, sister, brother, grandmother and/or grandfather), an act of God, homelessness and those approved in advance by the principal upon written request by parent or adult student.

Expulsion

Expulsion is the involuntary removal of a student from school by the Superintendent. In most cases, the expulsion should not exceed 80 days, or the number of days remaining in a school semester. In situations where a student brought or possessed a firearm to school or property owned by the school, the Superintendent shall expel the pupil from school for a period of one (1) year. In these cases, the Gun-Free School Act requires the expulsion of the student. The student is not permitted to participate in extracurricular activities, be on any school property or in any district vehicle (including buses).

Expulsion Hearing Officer-Superintendent Designee

An administrator designated by the Superintendent, who has minimal prior knowledge of the case, will hear evidence presented by the student, parent(s)/guardian(s) and principal (i.e., witness statements). The administrator will make recommendations to the Superintendent ranging from returning the student to school, referring the student to an outside agency for intervention, suspension, expulsion, or permanent exclusion. Failure of the parent(s)/guardian(s)/legal custodian(s) to attend the hearing will not stop the process.

Habitual Truant

A school-age child who is absent from school without legitimate excuse for five (5) or more consecutive days, seven (7) or more days in a school month, or twelve (12) or more school days in a school year. ("A school month is defined as four school weeks".)

In-School Suspension-Alternative Learning Center

In-school suspension is the suspension of the student's normal instructional activities by an administrator due to discipline reasons. The student attends school but is assigned to special placement that allows him/her to do school work but does not specifically address the behavior(s) that resulted in discipline. The student may not attend or participate in extracurricular activities while assigned to in-school suspension.

GLOSSARY (cont.)

Out-of-School Suspension

An out-of-school suspension is the denial of attendance at school for a period of one (1) to ten (10) school days. This includes the suspension of the student's normal instructional activities by an administrator due to discipline reasons. Schoolwork missed during one (1) to three (3) day suspensions may be made up when the student returns to school. During suspensions ranging from four (4) to ten (10) days, parent(s)/guardian(s)/legal custodian(s) may request schoolwork and pick-up the schoolwork during school hours. Suspended students are not permitted to participate in extracurricular activities, be on any school property or in any district vehicle (including buses).

Parent Hearing

Parent(s)/guardian(s)/legal custodian(s) and student(s) meet with an administrator to hear the circumstances related to an alleged violation of school rules and to determine guilt, innocence, or the consequences if the student is found responsible. Attorneys are allowed to participate in these meetings; however, they should notify the principal of their intent to attend. Friends or relatives of the student and other members of the public who are not witnesses may not attend the hearing. The decision reached at the hearing may be appealed to the principal and/or appropriate executive director.

Parent/Guardian/Legal Custodian Conference

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

Removal by Hearing Officer

School personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, in cases where a child: (i) carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of a state or local educational agency; (ii) knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of a state or local educational agency; or (iii) has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a state or local educational agency.

Restitution

Parent(s)/guardian(s)/legal custodian(s) of students responsible for defacing or damaging school property/district vehicles are required to pay the cost of restoring or repairing the property.

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.

Time Out

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

Truancy Center

The location where students who are found out of a school setting during regular school hours and who are unlawfully absent will be transported.

Waiver of Attending Expulsion Hearing

Parent(s)/guardian(s)/legal custodian(s) may sign a waiver if they choose not to attend an expulsion hearing. In the event parent(s)/guardian(s)/legal custodian(s) or the student does not attend the hearing, it will proceed as scheduled.