

# Kent City School District

## Student Conduct Code & Automatic Consequences

### 2021-22 School Year

The Board of Education has adopted the following Student Conduct Code. The Code includes the types of misconduct that will subject a student to disciplinary action. The Board has also adopted the list of behaviors and the terms contained in the list.

The Kent City School District will attempt to provide a safe and orderly learning environment for all students. Certain student actions may not be compatible with the words “safe” and “orderly.” Discipline is within the sound discretion of the School’s staff and administration. Due process ensures that disciplinary action is imposed only after review of the facts and/or special circumstances of the situation.

The following outline provides a list of major areas that could result in disciplinary action. An explanation of each behavior and possible consequence follows the list. The absence of a behavior or any specific action from the list does not mean that such conduct does not violate the discipline code or cannot be punished.

- A. The exercise of self-control, self-discipline, and self-direction are essential to positive school behavior and success in the future. The school has an obligation to observe and respect the rights of individual students and the student body as a whole. As with any organization, co-operation and the observation of the rights of others are essential if the goals of the organization are to be accomplished. To this end, each pupil must be responsible for his/her own behavior and must respect the rights of others.
- B. The following types of offenses by students of the Kent City School District may lead to disciplinary action which may include detention, social suspension, Saturday School assignment, in-school suspension, out-of-school suspension, or expulsion:

- 1. TRUANCY**

- Unexcused absence from school.

- 2. Unassigned EMIS code at this time.**

- 3. FIGHTING/VIOLENCE**

- Contributing to, encouraging, or engaging in disruptive behavior including, but not limited to, fighting.

- Intentionally, negligently, recklessly, or carelessly causing physical injury or behaving in such a way that could threaten to cause physical injury to another.

- 4. VANDALISM/ARSON (SCHOOL OR PERSONAL PROPERTY)**

- Intentional, negligent, or careless defacing, damaging, or desecration of private or public property on school premises or at any school activity on or off school grounds.

- Setting or use of any unauthorized fire or acting in such a manner that might cause a fire.

- 5. THEFT (SCHOOL OR PERSONAL PROPERTY)**

- Theft of property.

- 6. USE/POSSESSION/SALE OF A FIREARM**

- Use, possession, or sale and/or threatened use of a firearm or any device that could propel a projectile or object that could cause harm.

- 7. USE/POSSESSION/SALE OF A DANGEROUS WEAPON OTHER THAN A FIREARM OR EXPLOSIVE OR INCENDIARY OR POISON**

- Use, possession, or sale and/or threatened use of any object or a dangerous weapon other than a gun or explosive that can reasonably be considered a dangerous instrument.

- 8. USE/POSSESSION/SALE OF ANY EXPLOSIVE, INCENDIARY OR POISON GAS**

- Use, possession, or sale and/or threatened use of any explosive, incendiary or poison gas.

**9. USE/POSSESSION/SALE OF TOBACCO**

Use, possession, or sale of tobacco and/or look-alike products, including smoking of any substance, possessing or using smoking materials, including electronic cigarettes.

**10. USE/POSSESSION/SALE OF ALCOHOLIC BEVERAGES**

Using, possessing, purchasing, selling, intending to buy or sell, or transmitting alcohol or simulated alcohol; having the odor of alcoholic beverages upon his or her breath or clothing; or possessing alcohol, on school property or on school vehicles, during a school day or at a school-sponsored activity regardless of the time of day is a violation. Students are also prohibited from school grounds, on school vehicles, or from attendance at any school-sponsored event after the use of or alcohol.

**11. USE/POSSESSION/SALE OF OTHER DRUGS OTHER THAN TOBACCO OR ALCOHOL**

Using, possessing, purchasing, selling, intending to buy or sell, or transmitting drugs or simulated drugs; having the odor of drugs upon his or her breath or clothing; or possessing drug paraphernalia, on school property or on school vehicles, during a school day or at a school-sponsored activity regardless of the time of day is a violation. Students are also prohibited from school grounds, on school vehicles, or from attendance at any school-sponsored event after the use of drugs.

12. Unassigned EMIS code at this time.

13. Unassigned EMIS code at this time.

**14. FALSE ALARMS/BOMB THREATS**

Wrongfully discharging or attempting to discharge an alarm system; falsely reporting an emergency, including a bomb threat.

15. Unassigned EMIS code at this time.

16. Unassigned EMIS code at this time.

17. Unassigned EMIS code at this time.

**18. BEHAVIORAL PROBLEMS/DISRUPTION OF SCHOOL**

- a. Disrupting school or causing or attempting to cause the disruption or obstruction of any lawful mission, process, or function of the school, including any school-sponsored activity, by violence, force, noise, coercion, threat, intimidation, passive resistance, or other disorderly conduct, or urging other students to disrupt or to obstruct the process or function of school by the use of same.
- b. Intentional disobedience, disrespect, issuing threats.
- c. Intentionally giving incorrect information to faculty, staff, or other employees of the District.
- d. Gambling.
- e. Cheating.
- f. Plagiarism.
- g. Tardiness.
- h. Throwing foods, liquids, or any article in the cafeteria.
- i. The unauthorized throwing of any object, including snowballs.
- j. Commission of an immoral act.
- k. Loitering, littering, or causing a disturbance on public or private property during the school day or at a school activity.
- l. Violations of the school dress code.
- m. Willful violation of the student responsibilities as may be established by the Kent Board of Education.

- n. Using the name or identity of another person (verbally or in writing); falsifying times, dates, grades, addresses, or other data on correspondence directed to school personnel.
- o. Inappropriate public display of affection.
- p. Display or distribution of unauthorized material in school, on school property, or at school-related activities.
- q. Attempting to gain entrance for self or others to school activities without paying admission.
- r. Entering another's desk or locker or using another's property without authorized permission.
- s. Trespassing on private property adjoining, adjacent to, or within the line of sight of school property before, during, or after school.
- t. Unauthorized use of disruptive devices including, but not limited to, pagers, beepers and other electronic or manual devices.
- u. Inappropriate use of technology: Students are not permitted to video, photograph, or record other students, staff, or school events in a way that could be detrimental or embarrassing to the school or the people being filmed or recorded. Examples of this could include, but are not limited to, videotaping a fight, someone changing in the locker room, a student being bullied, etc.
- v. Lack of serious educational intent (e.g., failure to submit homework assignments, sleeping in class, etc.).
- w. Repeated violation or repeated misbehavior.
- x. Failure to serve consequence.

## **19. HARASSMENT/INTIMIDATION**

Any act that includes:

- a. Use of racial, ethnic, religious, or sexual slurs.
- b. Hazing, teasing, bullying, or acting to intimidate.
- c. Sexual and other forms of harassment (includes writing, drawing, gestures, words, taking, reproducing, possessing, sharing, disseminating, or saving images of a sexual, sensitive, or derogatory nature on a mobile or stationary electronic device, touching, and other forms of harassment).

O.R.C. 3313.666 defines "harassment, intimidation, or bullying" as "any intentional written, verbal, or physical act that a student has exhibited toward another particular student more than once and the behavior both: (1) Causes mental or physical harm to the other student; (2) Is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student." Such behavior is prohibited on school property or at school events.

Cyber-bullying, defined as the above prohibited behavior perpetrated with computers, cellular phones, Internet websites, and/or any other electronic device, also is prohibited. In addition, cyber-bullying is not limited to where the bullying originates but also includes where it is communicated on school property or at school events.

## **20. USE/POSSESSION/SALE OF FIREARM LOOK-A-LIKES.**

Use/possession/sale or threatened use of firearm look-alikes.

## **21. UNWELCOME SEXUAL CONTACT**

Unwelcome sexual contact.

## **22. SERIOUS BODILY INJURY TO ONESELF OR OTHERS**

An incident that results in serious bodily injury to oneself or others. Serious Bodily Injury is defined as "A bodily injury that involves substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ or faculty" (18 U.S.C. Section 1365(3)(h)).

## **23. INSUBORDINATION**

Insubordination or failure to respond and/or otherwise ignoring a reasonable request from faculty, staff, or other employees of the District.

## **24. HARMFUL BEHAVIOR**

Acting to cause mental, emotional, or physical harm to another person, including insensitive or inflammatory language.

## **25. LEAVING SCHOOL WITHOUT PERMISSION**

Leaving school or assigned educational location prior to specified dismissal time without official permission and/or transporting on or off school premises other students who have no permission to leave school. School day begins when the student arrives on school property, including arrival by bus.

## **26. PHYSICAL/VERBAL ASSAULT AGAINST A STUDENT**

Assaulting another student by words, hands, feet, fist, or by use of an object which could cause physical and/or emotional harm to another person.

## **27. PHYSICAL/VERBAL ASSAULT AGAINST A SCHOOL EMPLOYEE**

Assaulting an employee by words, hands, feet, fist, or by use of an object which could cause physical and/or emotional harm to the employee.

## **28. INDUCING PANIC**

Creating a situation which could make others believe an emergency is in progress when in fact there may or may not be an emergency.

## **29. VULGAR LANGUAGE**

Use of offensive or vulgar language or gestures.

## **30. VIOLATION OF STATUTES**

Violation of federal, state, or local statutes or ordinances regardless of the existence of a criminal charge and/or conviction.

Violation of prohibitions identified in Rule #9, #10, and #11 above (viz., tobacco, alcoholic beverages, and other drugs other than tobacco or alcohol) shall be evaluated on the basis of the infraction date with a rolling 24-month period previous to the infraction.

No form of violence, disruptive or inappropriate behavior, nor excessive truancy (30 hours or more consecutive hours, 42 or more hours in one school month, or 72 or more hours in one school year of unexcused absence), will be tolerated.

The foregoing acts of misconduct are prohibited on all school property, going to and from school by foot or vehicle, and at all school-sponsored functions and activities on and off campus.

In the event a student is cited for multiple offenses, the commission of any one of the foregoing offenses shall be sufficient to result in any of the possible disciplinary actions.

In the event of negligent or willful property damage, reimbursement of the cost of replacement thereof shall be borne by the student and/or his or her parents or guardian.

- C. In addition to the offenses listed above, each building principal may develop an additional list of offenses appropriate to that building. Such additional list of offenses shall be made known to the students in such ways as may be appropriate to the age and maturity of the students involved. In addition, the Board of Education, on August 26, 1982, reviewed and reaffirmed the following policies which have been in effect for a number of years:

**Maintenance of Orderly Conduct**

- The Board of Education expects that students will conduct themselves in keeping with their level of maturity, acting with due regard for the supervisory authority vested by the Board in all district employees, for the educational purpose underlying all school activities, for the widely shared use of school property, and for the rights and welfare of other students.
- The Board of Education expects that all employees of the district will share responsibility for supervising the behavior of students and for seeing that they meet the standards of conduct which have been or may hereafter be established by the Board or its agents.
- In each instance in which an employee acts to help a student conduct himself properly, emphasis is to be placed upon the development of the student's ability to discipline himself.

**Pupil/Teacher Relationships**

Pupils are expected at all times to show evidence of respect for their teachers. Teachers are expected to show evidence of respect for their pupils and to demand respect for themselves.

**Pupil Dress**

- A student's dress and appearance become of concern to school authorities if and when that dress and appearance tend to disrupt the work of a class. Therefore, ill-fitting or inappropriate dress or unusual appearance cannot be tolerated at school. If, in the opinion of the principal, a student's dress and appearance detract from the effectiveness of work in a class or in other ways are an undesirable influence upon other students, the principal will direct the offending student to dress in a proper manner and to present an appearance not offending to others.
- No student may wear items which are obscene or drug/alcohol related, or demonstrate or suggest racial, ethnic, sexual or religious disrespect.

**Safety**

Students are to observe all safety practices and procedures set forth by administrators and teachers.

**Board Support**

The BOE supports teachers and administrators in maintaining of proper behavior among students.

Students who violate any section of the Student Conduct Code can be disciplined according to the nature and seriousness of the violation. Possible discipline for violation can range from a warning to a recommendation for expulsion from school.

The following are nine areas of violations that produce automatic consequences:

- I. The consequences for a violation of Student Conduct Code offense # 10 and/or # 11 (with the exception of transmitting, selling, etc., under II below) shall be as follows:

- A. First Offense - At a meeting of the parent(s) or guardian(s), student, and school administrator, one of the following options shall be chosen by the student, parent, and administrator:

OPTION #1 - The student shall be suspended for not more than ten (10) days out of school suspension.

OPTION #2 - Within ten (10) days from the date of the offense, the student and his or her parent(s) or guardian(s) must consent to a school- approved alcohol and/or drug assessment, AND must comply with ALL recommendations from the assessing authority. In addition, all the following must be completed:

1. The student agrees to serve three days out of school suspension, AND:
2. The student agrees to participate in a school approved alcohol and/or drug assessment program, and follow all recommendations AND:
3. The student agrees to follow the recommendations of the school approved alcohol and/or drug assessment.

NOTE: If the student and parent/guardian do not complete all items under #2 above, then #1 will be enforced. Also timelines for item 2a., 2b. and 2c. shall be established with the student and parent/guardian by the administrator.

Depending on the circumstances of the violation, the police may be contacted, and the matter may be referred to them for disposition.

- B. Second Offense - Within a Twenty-four month period of the First Offense: The student shall be suspended for not more than ten (10) days out of school with recommendation for expulsion.

The principal, for any offense under this provision, shall have the right to refer the student to the Portage County Juvenile authorities for prosecution of any offense that may be a crime under the Ohio law.

- II. Sale, possession for sale, or transmitting alcohol and/or chemicals.

The automatic consequence for these offenses is a ten-day out-of-school suspension plus a court referral and recommendation for expulsion.

In the event a situation arises which is not clearly defined in the above statements, administration will make a determination based on the intent of the Kent City Schools' philosophy which states that it is not appropriate for students to use alcohol and/or chemicals.

- III. Possession of Tobacco and/or look alike products, including smoking of any substance, including electronic cigarettes

- A. First Offense - Ten (10) Day Out-of-School Suspension from school

If the student and parent choose for the student to participate in a smoking cessation program, the student will be assigned to three days of out-of-school suspension in lieu of the ten-day out-of-school suspension. Failure to complete the cessation program will result in the reinstatement of the ten-day out-of- school suspension.

- B. Subsequent Offenses - Ten (10) Day Out-of-School Suspension and/or a recommendation for expulsion.

- IV. Fighting in school, on school property, or at a school activity.

The consequence for fighting ranges from three to ten days of out-of-school suspension. Consequences for repeated violations may be more severe and may result in possible recommendation for expulsion.

V. Unauthorized out of building during classes/assigned lunch period/assigned study hall

1. First Offense - This will result in a three day in-school restriction.
2. Second Offense - This will result in a three day out-of-school suspension.
3. Third Offense - This will result in a five day out-of-school suspension.
4. Fourth Offense - This will result in ten days out-of-school suspension with recommendation for expulsion.

VI. Driving unauthorized students off campus.

1. First Offense - This will result in a loss of driving privileges for up to eighteen weeks.
2. Second Offense - This will result in three days of suspension plus loss of driving privileges for the remainder of the school year.
3. Third Offense - This will result in five days of suspension, loss of driving privileges for the remainder of the current school year, and loss of driving privileges for the next school year.

VII. Possession of a weapon

A weapon includes conventional objects like guns, pellet guns, knives, or club-type implements. It may also include any toy that is presented as a real weapon or reacted to as a real weapon or an object converted from its original use to an object used to threaten or injure another. This includes, but is not limited to, padlocks, pens, pencils, chains, jewelry, and so on. Criminal charges may be filed for the violation. Possession of a weapon will subject a student to expulsion for one year and possible permanent exclusion.

Under Federal Law, a firearm is defined as any weapon, including a starter gun, which will, or 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 silencer, or any destructive device. A destructive device includes, but is not limited to, any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four (4) ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or other similar device. A knife is defined as any cutting instrument consisting of at least one sharp blade.

Possession of any such weapon requires the Superintendent to expel a student for a calendar year.

Weapons violations will result in a suspension with a recommendation for expulsion to follow.

VIII. Wrongful discharge of the alarm system

This will result in police notification plus five days of out-of-school suspension.

IX. Releasing or discharging disruptive devices (e.g. stink bombs, smoke bombs, mace, pepper gas, etc.)

This will result in five days of out-of-school suspension and possible police referral.

**APPENDIX A: SEARCH AND SEIZURE**

The Board of Education recognizes that the privacy of students or their belongings may not be violated by unreasonable search and seizure and directs that no student be searched without reasonable suspicion of a violation of the student conduct code or a criminal offense. Students are not to be searched in an unreasonable manner.

The Board acknowledges the need for in-school storage of student possessions and shall provide storage places, including desks and lockers, for that purpose. Such spaces remain the property of the Board and, in accordance with law, may be the subject of random search. Where locks are provided for such places, students may lock them against incursion by other students, but in no such places shall students have such an expectation of privacy as to prevent examination by a school official. The Board directs the school principals to conduct a routine inspection at least annually of all such storage places.

The Board of Education hereby declares that the school lockers available for use by pupils are the property of the Board of Education and that the lockers and the contents of all the lockers are subject to random search at any time without regard to whether there is a reasonable suspicion that any locker or its contents contains evidence of a violation of a criminal statute or a school rule. This policy will be posted in a conspicuous place in each school building that has lockers available for use by pupils.

School authorities are charged with the responsibility of safeguarding the safety and well-being of the students in their care. In the discharge of that responsibility, school authorities may search the person or property, including vehicles, of a student, with or without the student's consent, whenever they reasonably suspect that the search is required to discover evidence of a violation of law or of school rules. The extent of the search will be governed by the seriousness of the alleged infraction and the student's age.

This authorization to search shall also apply to all situations in which the student is under the jurisdiction of the Board.

Administrators are authorized to arrange for the use of a breath-test instrument for the purpose of determining if a student has consumed an alcoholic beverage. It is not necessary for the test to determine blood-alcohol level, since the Board has established a zero tolerance for alcohol use.

Search of a student's physical person or intimate personal clothing shall be conducted by a person of the student's gender, in the presence of another staff member of the same gender.

The Board also authorizes the use of canines, trained in detecting the presence of drugs or devices, when the Superintendent has reasonable suspicion that illegal drugs may be present in a school. This means of detection shall be used only to determine the presence of drugs in locker areas and other places on school property where such substances could be concealed. Canine detection must be conducted in collaboration with law enforcement authorities and is not to be used to search individual students unless a warrant has been obtained prior to the search.

The Superintendent shall prepare administrative guidelines to implement this policy.



**APPENDIX B: SEXUAL AND OTHER FORMS OF HARASSMENT**

The Board of Education recognizes that a student has the right to learn in an environment untainted by sexual or other forms of harassment or discrimination. Offensive conduct which has the purpose or effect of unreasonably interfering with learning performance or creating an intimidating, hostile, discriminatory, or offensive learning environment disrupts the educational process and impedes the legitimate pedagogical concerns of the District.

Sexual harassment includes all unwelcome sexual advances, requests for sexual favors, and verbal or physical contacts of a sexual nature. Other prohibited conduct includes that which has the purpose or effect of creating an intimidating, hostile, discriminatory, or offensive learning environment on the basis of gender, religion, race, color, ethnicity, age, and/or disability.

The harassment by a student or a staff member or fellow student of this District is strictly forbidden. Any student who is found to have harassed a staff member or student will be subject to discipline in accordance with law and the Code of Conduct.

The Superintendent shall establish administrative guidelines which address the conduct prohibited by this policy and describe a reporting procedure. The Superintendent shall ensure that the prohibited conduct and reporting procedures are available to all students and are posted in appropriate places throughout the District.

**R.C. 4112**

42 USC 2000d et seq, 42 USC 2000e et seq, 29 USC 621 et seq, 29 USC Section 794,

42 USC Section 12101 et seq, 20 USC 1681 et seq

**APPENDIX C: TOBACCO AND THE SCHOOL**

Effective in March 2001, it is now prohibited by Ohio law for a minor to “use, consume, or possess cigarettes, other tobacco products, or papers used to roll cigarettes.” It is also now prohibited for a minor to assist, pay for or share in the costs of such products.

Even though there are some exceptions to this new law, those exceptions would not apply to use or possession of these products at school or school activities. In case students have not yet been informed, a first offense results in:

- A. mandatory attendance at a smoking education program (if available) and/or
- B. a fine of up to \$100

Upon any subsequent violations the court may:

- A. increase the fine
- B. impose up to 20 hours of community service
- C. suspend driving privileges for up to 30 days

Administrators should check to insure that student conduct codes prohibit possession as well as use of any tobacco products. Student handbooks could inform parents and students of the consequences (in addition to the school discipline) that could follow from a violation of this law. The full statute can be found in The Ohio Revised Code Section 2151.87. Administrators should also coordinate enforcement of this law with local police and juvenile court personnel. (June, 2001)

**APPENDIX D: CELL PHONES AND ELECTRONIC COMMUNICATION DEVICES**

A student may possess a cellular telephone or other electronic communication devices (ECD) in school, on school property, at after school activities and at school-related functions, provided that during school hours and on a school vehicle the cell phone or other ECD remains off unless directed by a member of the professional staff.

Also, during school activities when directed by the administrator or sponsor, cell phones and other ECDs shall be turned off and stored away out of sight.

The use of cell phones and other ECDs in locker rooms is prohibited.

Possession of a cellular telephone or other ECD by a student is a privilege, which may be forfeited by any student who fails to abide by the terms of this policy, or otherwise engages in misuse of this privilege.

Violations of this policy may result in disciplinary action against the student which may result in confiscation of the cellular telephone or ECD.

The student who possesses a cellular phone or ECD shall assume responsibility for its care. At no time shall the District be responsible for preventing theft, loss or damage to cell phones or ECDs brought onto its property.