

CLEVELAND METROPOLITAN SCHOOL DISTRICT

# Student Rights and Responsibilities

STUDENT CODE OF CONDUCT

2022-23 School Year



THE **CMSD**  
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The Cleveland Metropolitan School District is committed to providing families with the service and information they need to support your child's educational needs. The following departments and resources are available to assist you in ensuring the best educational options for your child.

## HELPFUL NUMBERS

<b>ADM/Attendance</b>	216.838.0220
<b>Cleveland Department of Public Health</b>	216.664.2324
<b>Cleveland Rape Crisis Center Hotline</b>	216.619.6192
<b>Division of Safety &amp; Security</b>	216.838.7777
<b>Domestic Violence Center Hotline</b>	216.391.HELP (4357)
<b>Family &amp; Community Engagement (F.A.C.E.)</b>	216.838.3223
<b>First Call for Help</b>	211 (United Way)
<b>Multilingual Multicultural Education Department</b>	216.838.6972
<b>Office of Hearings &amp; Appeals</b>	216.838.0324
<b>Office of the Ombudsman</b>	216.838.0090
<b>Project ACT (Homeless Advocacy)</b>	216.838.0210
<b>Rapid Response Team</b>	216.838.CARE (2273)
<b>School Choice and Enrollment</b>	216.838.3675
<b>Special Education</b>	216.838.7733
<b>Suicide Prevention</b>	800.273.TALK (8255)
<b>Transportation</b>	216.838.4BUS (4287)

## RESOURCES

**ClevelandMetroSchools.org**  
**education.ohio.gov**

School Name \_\_\_\_\_

School Phone \_\_\_\_\_

## **PREFACE**

The intent of this handbook is to assist students, parents, teachers and school administrators in maintaining an environment conducive to student learning and positive behavior. It is the responsibility of each student, parent and citizen to understand that the school is a community governed by rules and regulations. The major purpose of these is not punitive control; rather, it is protection of the rights of others and to enable all students to take full advantage of their educational opportunities.

The Cleveland Metropolitan School District recognizes that a safe and secure learning and working environment is essential to the achievement of the educational goals and objectives of the District. Accordingly, the District reaffirms its commitment to provide for the safety of students, employees, parents and all other school community stakeholders. Everyone in the Cleveland Metropolitan School District shall treat one another with respect and support, recognizing that the ultimate success of the District in educating Cleveland's children requires the efforts of each and every individual.

This code of conduct applies to all school premises; to all phases of school operations, including but not limited to curricular and extracurricular activities, while being transported on a school bus or authorized transportation at any school-sponsored activity; and to any other circumstances such that the conduct in question has an effect of disrupting school operations or otherwise depriving any student of educational interest or opportunities.

The Cleveland Metropolitan School District affirms its commitment to providing a quality education for all of Cleveland's children. The term "children" includes students in both elementary and secondary grades.

The Cleveland Metropolitan School District is committed to creating safe, supportive, orderly, productive schools. The goal of the Cleveland Metropolitan School District is to support students and staff by developing positive conditions for learning. That commitment is key to the success of the Student Code of Conduct and to the success of our students.

The Student Code of Conduct is designed to clarify District policies governing the rights and responsibilities of students in the Cleveland Metropolitan School District. Students, staff, parents and others are encouraged to study, discuss and understand the contents to ensure that such rights and responsibilities are respected and met.

Whenever the term "school" is used in this handbook, it refers to all instances when the student is subject to the authority of the school. Some examples include athletic events, school dances and field trips. Students are also under the authority of the school when traveling to and from school.

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# I. SHARED RIGHTS and RESPONSIBILITIES

The District is committed to providing a safe and orderly school environment where students may receive and District personnel may deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, staff, administrators, parents and other visitors is essential to achieving this goal.

Each of these individuals is entitled to be treated with respect and dignity, and is also expected to treat others within the school District community with respect and dignity.

## A. STUDENT RIGHTS and RESPONSIBILITIES

1. Students are entitled to...
  - be treated with respect;
  - receive support from teachers and school staff;
  - receive a high quality education;
  - a safe and orderly environment;
  - equal access to classes, school services, and extracurricular activities;
  - equal treatment in enforcement of school regulations;
  - due process in administration of punishment for violations;
  - safeguarding of constitutional rights;
  - confidentiality in the handling of their records;
  - a grievance process as described in this handbook on page 53.
  
2. Students are expected to...
  - treat others with respect;
  - strive to do their best work at all times;
  - go to school daily and arrive on time to school and every class;
  - come to each class prepared to work and with all necessary supplies;
  - comply with the authority of teachers, principals, assistant principals, bus drivers, aides and other school staff members;
  - obey school rules and regulations;
  - respect the property of others;
  - report serious incidents involving the safety and security of students and staff to their teachers, counselors or administrators at the time such incidents occur, including but not limited to presence of weapons or drugs, assaults, threats, sexual misconduct or harassment.

## B. PARENT, GUARDIAN OR LEGAL CUSTODIAN RIGHTS and RESPONSIBILITIES

1. Parents, guardians or legal custodians are entitled to...
  - be treated with respect;
  - be engaged in their student's education;

- arrange conferences in advance of school visits with teachers and principals to promote their child's educational progress;
- receive school reports and informational bulletins in a timely manner;
- arrange with school authorities to review their child's school records;
- bring complaints to the attention of school authorities.

2. Parents, guardians or legal custodians are expected to...

- treat others with respect;
- build positive relationships with students;
- encourage students to do their best work in school and at home;
- stress regular and timely school attendance as required by law (Ohio Revised Code 3321.38);
- provide children with resources necessary to their growth and development;
- teach children respect for people and property;
- understand school rules and cooperate with school personnel in enforcing them;
- report student misbehavior and safety issues to the school principal;
- voluntarily participate in school programs and conferences in accordance with District/ school policies;
- treat school personnel with respect and dignity;
- inform schools of changes in address and telephone numbers;
- inform schools of changes in their child's health and provide information necessary to update student health records;
- advise school teachers of student's strengths and weaknesses;
- familiarize themselves with the City of Cleveland Ordinance (No. 864-05) related to minors' curfew hours; compulsory school attendance; parental supervision while students are suspended or expelled; and assaults of school employees by minors;
- participate in parental education and/or training programs offered by the District;
- adhere to the school visitation policy as outlined in Section IV.

## C. TEACHER RIGHTS and RESPONSIBILITIES

1. Teachers are entitled to...

- be treated with respect;
- teach in an orderly and safe environment;
- receive the cooperation and support of all school personnel;
- receive the cooperation and support of all students and parents.

2. Teachers are expected to...

- treat others with respect;
- create an engaging classroom environment;
- conduct courses of study as established by the Board of Education;
- prepare thoroughly for each class;
- maintain necessary student records and provide periodic reports of student progress;
- arrange conferences with students and parents/guardians;

- call upon parents/guardians, principals and other school personnel for support in the educational process;
  - ensure that all students have an equal opportunity to learn;
  - establish, explain and apply discipline to students in a consistent manner;
  - establish clear rules for acceptable behavior, class participation, grades and assignments;
  - watch for unexplained student absences from class or school and deal with them appropriately;
  - be familiar with and abide by District policy and school rules.
3. Ohio Law and District policies require teachers to...
- report all cases of suspected child abuse to the proper authorities at 216.696.KIDS (5437);
  - report serious incidents involving safety and student misbehavior to their principals or administrators as soon as possible;
  - provide statements and other information as may be needed for the completion of reports involving the safety and security of students and staff.

#### **D. BUILDING ADMINISTRATOR RIGHTS and RESPONSIBILITIES**

1. Building Administrators are entitled to...
- be treated with respect;
  - work in an orderly and safe environment;
  - receive the cooperation and support of all school personnel in serving as the school's educational leader(s);
  - receive the cooperation and support of all students and parents as the building administrator(s).
2. Building Administrators are expected to...
- treat others with respect;
  - create an environment that supports teaching and learning;
  - exercise the authority necessary to ensure the safe, secure and orderly operation of the school;
  - work with staff to ensure that classroom and other activities result in quality learning experiences;
  - ensure that the school offers a resource-rich learning environment for each student;
  - establish and enforce rules, regulations and procedures for the orderly operation of the school;
  - improve communications with parents, community and school staff;
  - enforce District policies and procedures.
3. Ohio Law and District policies require Building Administrators to...
- report all serious incidents to the Division of Safety and Security at 216.838.7777 and/or the Cleveland Police Department (911 for emergencies);

- report all cases of suspected child abuse to the proper authorities 216.696.KIDS (5437);
- notify the Division of Safety and Security (216.838.7777) when police or any outside agencies come to school to conduct an investigation.

## **II. EDUCATIONALLY APPROPRIATE DRESS AND APPEARANCE EXPECTATIONS**

The responsibility for the dress and appearance of a student rests primarily with the student and their parents or guardians. In the interest of maintaining a safe and healthy learning environment, the district believes in the following basic principles:

- All students are encouraged to dress in a manner that is appropriate, comfortable, and conducive to an active academic school day.
- Students should be able to wear clothing without fear of or actual unnecessary discipline or body shaming.
- The student dress code should serve to support all students to develop a body-positive self-image.
- The district standard dress and appearance policy is gender neutral and applies to all students equally regardless of gender on school campuses and at school-sponsored functions and will be enforced consistently and fairly by all members of the school staff.

Examples of inappropriate clothing include:

- clothing where the buttocks or torso is exposed, i.e., tube tops, half shirts, halters
- clothing that is see-through (clothing must be opaque)
- clothing or accessories that show profanity, obscene words or pictures, sexually suggestive statements, violence, or incitement to violence
- clothing representing gang-related activities
- clothing where the entire thigh is exposed, such as micro minis or short shorts.
- bathing suits or cut-offs
- the wearing and carrying of tobacco promotional items, or items promoting controlled substances (drugs) and/or alcohol
- clothing where undergarments are exposed

- clothing that has text or visual images that is libelous, bullying, constitutes harassment or discrimination
- backless or open toe footwear (footwear must be worn at school and all functions)

Site leadership (UCC subcommittee plus one parent) with a survey from parents, may establish a site-specific dress code addendum in the following circumstances:

- Times when students are engaged in extracurricular or other special school activities and where the standard dress and appearance policy would not be appropriate for the activity.
- Times when students are engaged in specific courses where modification is needed to ensure the safety of the students engaged in the class. Examples include lab sciences, physical education, CTE classes or other classes that contain potential hazards.
- Schools may set their own site-specific addendum relating to hats, caps and other head coverings. There shall be no restriction on student head coverings worn for bona fide religious purposes.
- Each school site, in accordance with the District Dress Code Review Process (as directed by Dress Code Committee, which meets once a semester) may develop additional guidelines stricter than the district's minimum standard dress and appearance policy; however, these site-specific dress code addendums may not contradict the district's dress and appearance policy outlined in this document. Schools are responsible for following the identified district policies on notification of students and parents for their site-specific addendums.

### **Consequences of Dress and Appearance Code Violations**

Dress and appearance code violations will have consequences that are applied consistently and equitably. Except under exigent circumstances, suspension or expulsion will not be used as a consequence for the violation of a dress code.

Site Staff shall provide students opportunity to remedy the violation. Opportunities to remediate may include, but are not limited to, parental contact, offer of exchange of clothing, referral to the Student Support Team (SST), or to the Say Yes Coordinator. Any discipline that shall arise out of dress code violations shall have minimal loss of instructional time as its goal.

**First Violation:** Administrator, or designee (not a CTU member), can make a parent/guardian call. Student will be offered the opportunity to remedy the situation, which could include an exchange of clothing, if available, turning a shirt inside out, or other potential remedy. Verbal warning given.

**Second Violation:** Administrator, or designee (not a CTU member), will make a parent/guardian call. Student will be offered the opportunity to remedy the situation, which could include an exchange of clothing, if available, turning a shirt inside out, or other potential remedy. Written warning given.

**Subsequent Violation(s):** Administrator, or designee (not a CTU member), will make a parent/guardian call. Student will be offered the opportunity to remedy the situation, which could include an exchange of clothing, if available, turning a shirt inside out, or other potential remedy. Parent conference will be scheduled. Detention can be considered as a consequence.

If a parent/guardian or student disagrees with the site administrator's decision on a standard violation, the parent/guardian or student shall attempt to resolve the problem by requesting a personal conference with the site administrator. If the problem cannot be resolved informally to the parent/guardian's or student's satisfaction, the site administrator's decision may be appealed to the CEO's designee, whose decision shall be final.

**Dangerous or Disruptive Violations:** Dress or appearance violations that cause actual disruption of the educational environment, result in actual violation of law or other school rules, including hate-crime laws, or cause actual injury may result, at the discretion of the district Administration, in more serious disciplinary action, up to and including expulsion without regard to the policy set forth above for standard violations. The process for appeal of these dangerous or disruptive violations shall be consistent with standard district disciplinary procedures.

### **Exception to Regulations**

Generally, these neutral dress rules will be applied to all students without regard to personal circumstances. However, religious beliefs, medical requirements or other reasons may be grounds for an exception to a specific portion of the district Standard Dress & Appearance policy with specific advance approval from the district. A petition for an exemption from enforcement of a specified portion of district Standard Dress & Appearance policy may be submitted to the principal. Under no circumstances will the principal allow an exception for dress that displays gang symbols, uses profanity, displays products or slogans that promote tobacco, alcohol, drugs or sex, materially interferes with schoolwork, materially disrupts the school environment, substantially disrupts the school environment or creates a risk of safety.

### **Gang-Related Apparel**

Gang-related apparel is not acceptable. If individual schools that have a dress code prohibiting gang-related apparel at school or school activities, the principal, staff and parents/guardians participating in the development of the school safety plan shall define "gang-related apparel" and shall limit this definition to apparel that reasonably could be determined to threaten the health and safety of the school environment if it were worn or displayed on a school campus. Principals will collaborate with Law Enforcement Agencies to update changes in gang-related apparel at the beginning of each semester or as often as needed. Because gang-related symbols are constantly changing, definitions of gang-related apparel shall be reviewed at least once each semester and updated whenever related information is received.

## Uniforms

In schools where a schoolwide uniform is required, the principal, staff, and parents/guardians of the individual school shall jointly select the specific uniform, and uniform combinations to be worn. The principal or designee shall give parents/guardians at least two weeks' notice before a school uniform policy is implemented.

Parents/guardians shall be informed of their right to have their child exempted from a school uniform policy. A student exempted from participation in a school uniform policy by his/her parents/guardians must comply with this regulation and any supplemental site-specific dress code adopted at the site level.

The CEO or designee shall establish criteria for determining student eligibility for financial assistance when purchasing uniforms.

The CEO or designee shall establish a method for recycling or exchanging uniforms as students outgrow them.

Students who participate in a nationally recognized youth organization shall be allowed to wear organization uniforms on days when the organization has a scheduled meeting.

## III. APPROPRIATE USE OF CELLULAR PHONES AND ELECTRONIC DEVICES

The District is committed to providing a safe, positive and productive learning environment for its students. The District recognizes that, depending on how they are used, cellular phones and other electronic devices can be either a valuable learning tool or a source of disruption in the learning environment. In order to maintain a secure and orderly learning environment, student use and possession of cellular phones and other electronic devices shall conform to the appropriate use standards of this policy.

Students may possess cellular phones and other electronic devices on school property and school-sponsored transportation, as long as the student's use of the cell phone or electronic device is limited to appropriate uses as defined by this policy. Any other use of cellular phones and other electronic devices on school property, while on school-sponsored transportation, or while engaging in school-sponsored activities is prohibited. When not using their cell phone or other electronic device for an authorized, appropriate purpose, students are responsible for keeping their cell phones and electronic devices powered completely off (not simply in a "vibrate," "silent," or "airplane" mode) and stored securely in a purse, backpack or locker.

## **Authorized Uses of Cell Phones and Electronic Devices:**

The District has determined that the following uses of cell phones or electronic devices by student may be appropriate:

- a) Appropriate use of cell phones and electronic devices as specifically authorized by a teacher for the purpose of assisting in an educational process. A teacher's authorization to use a cell phone or electronic device is considered to cease upon notification by the teacher, a student's completion of the specifically authorized task or a student's dismissal from the classroom, whichever occurs first.
- b) Appropriate use of cell phones and electronic devices before the beginning or after the end of the instructional school day.
- c) Communications with a student's immediate family members in the event of a Districtwide or schoolwide emergency as defined by the building administrator.
- d) Communications with a student's immediate family members authorized by a building staff member and that take place under the supervision of the authorizing staff member.
- e) Use of cell phones or electronic devices as authorized pursuant to an Individual Education Plan (IEP), a Section 504 Accommodation Plan, or a Health Care/Medical Plan with supportive documentation from the student's physician.

## **Unauthorized Uses of Cell Phones and Electronic Devices**

Although students are empowered to use cell phones and other electronic devices in specific, appropriate ways as described above, students are never authorized to use a cell phone or electronic device for the following purposes:

- a) In violation of any other section of the Student Rights and Responsibilities, including, but not limited to the District's prohibitions against cheating, posting or distributing materials that disrupt the educational process, intimidation, threatening to injure or harm others, use of profane or abusive language, hazing, bullying, disrupting the school environment, and failure to adhere to school culture or directives of school personnel.
- b) In any manner that creates a disruption on or impacts the safe operation of school transportation.
- c) To commit a crime, under federal or state law.
- d) To violate another person's reasonable expectation of privacy by using cell phones or other electronic devices in locker rooms, restrooms, or any other changing areas.

- e) To take photographs, audio recordings, or video recordings of other individuals, including other students, teachers, administrators, staff members, or members of the community without the explicit authorization of all individuals being photographed or recorded.

### **Corrective Action**

Any student who chooses to possess or use a cell phone or electronic device in a manner that does not conform to the appropriate use expectations of this policy may be subject to any of the following:

- a) A verbal reminder of expectations for appropriate use of cell phones and electronic devices and a request that a student modify their cell phone or electronic device use to meet the expectation of this policy.
- b) Confiscation of the cell phone or electronic device by a teacher or administrator and return of the cell phone or electronic device at the end of the class period.
- c) Confiscation of the cell phone or electronic device by a building administrator to be identified and stored in a safe location in the building's main office until the end of the school day.
- d) Written notification to the student's parent, guardian, or legal custodian by the building administrator.
- e) Confiscation of the cell phone or electronic device by a building administrator to be identified and stored in a safe location in the building's main office until the student's parent, guardian, or legal custodian comes to the school to retrieve the cell phone or electronic device.

Repeated or chronic violations of the cell phone and electronic device acceptable use policy constitute a Level 2Q offense.

Refusal to surrender a cellular phone or electronic device to a teacher or administrator attempting to confiscate it pursuant to this policy constitutes a Level 2I offense.

### **Responsibility/Liability**

Any student who chooses to bring a cellular phone or other electronic device to school shall do so at his or her own risk and shall be personally responsible for the security of his or her cellular phone or electronic device. The District and its employees will assume no responsibility or liability for loss, theft, damage or vandalism to a cellular phone or other electronic device brought onto school property, or for the unauthorized use of any such device.

## IV. STUDENT PROMOTION

The promotion of each student is determined individually. The decision to promote a student or to retain a student in a grade may be made on the basis of a student's reading grade, mental ability, age, physical maturity, emotional and social development, social issues, home conditions, and grade average. Additional information on student promotion and retention, including specific information applicable to promotion to the fourth grade based on performance on the third-grade state English language arts assessment, may be found in the District's Board Policy IKE, on Promotion and Retention of Students.

For more information, please review Board Policy IKE, accessible at [ClevelandMetroSchools.org](http://ClevelandMetroSchools.org) under the "Board Policies" sidebar in the "Board" section.

## V. SCHOOL VISITATION POLICY

Visits from parents/guardians and interested citizens to schools are encouraged. All visitors must present identification. All visitors shall report to the school office immediately upon entering a school building to sign in, to provide the reason for the visit and to receive permission to proceed. All visitors are to present official identification. School visits shall be scheduled in advance, if possible, and approved by the principal or designee. Unauthorized persons will not be permitted in school buildings or on school grounds. School principals are authorized to take appropriate action to prevent such persons from entering buildings and/or loitering on grounds.

Approved visits shall acquaint interested persons with the school programs, personnel and operations. Activities may include observing classroom instruction, extracurricular activities, student assemblies, exhibits, safety procedures and lunchroom operations. Scheduled visits shall not interfere with instructional or non-instructional operations or the safe environment of the school.

Any problems or concerns of visitors shall be discussed initially only with the principal. Visitors shall be encouraged to refrain from reporting evaluations of personnel or operating procedures except to the principal. Visits to schools by students who are not assigned to that school are not encouraged, except for emergency situations. Only with the knowledge of a parent/guardian and the principal should a child enter a school other than his/her own. All visitors must report to the school office immediately. Any unauthorized entry is defined as trespassing, a Level 2 offense, and a violation of the law. A student may be prosecuted for such a violation.

Note: Adult visitors who fail to adhere to this policy, whose visit interferes with the education process or who compromise the safety of students and staff may have their visitation privileges restricted and/or may be prosecuted to the full extent of the law.

## VI. STUDENT IDENTIFICATION PROGRAM

The Student ID is a tool used to assist in the identification of, as well as the daily functions of, our students and faculty. The Student ID not only serves as a means of linking a student to a particular school; it also allows administrators and other vital operating agencies like food service and transportation to track the frequency of a student's utilization of services. The Student ID contains such information as the name of student or faculty member, homeroom, school logo or banner name, and information relevant to the CMSD Universal Meal program. Each student and staff member is required to carry this ID on his or her person and in a viewable location while on District property or at a school-sponsored event. Student IDs are the property of the District. Any lost or stolen IDs may be replaced for a small fee to the student.

## VII. LEGAL EDUCATIONAL RIGHTS AND RESPONSIBILITIES

The U.S. Constitution and public laws protect children and provide them with a variety of rights as citizens and as students. These rights are balanced by certain responsibilities for behavior toward others.

### A. Equal Educational Opportunities

The District respects and protects students' right to be free from discrimination on the basis of race, color, national origin, citizenship status, religion, sex, sexual orientation, economic status, marital status, pregnancy, age, or disability in all decisions affecting admissions, membership in school-sponsored organizations, clubs or activities, access to facilities, distribution of funds, academic evaluations, administration of discipline and corrective action processes, or any other aspect of school-sponsored activities. Any limitations with regard to participation in a school-sponsored activity are based on criteria reasonably related to that specific activity.

### B. Notification of Rights under FERPA for Elementary and Secondary Schools

It is the intent of the District to limit the disclosure of information contained in your student's education records, except that DISCLOSURE MAY BE MADE:

- by prior written consent;
- as Directory Information (see OPT-OUT FORM on page 58 of this Handbook); and
- under other limited circumstances required or permitted by law.

The definition of Directory Information is contained in the OPT-OUT Form. Please read it. The Family Educational Rights and Privacy Act (FERPA) affords parents and students over eighteen (18) years of age ("eligible students") certain rights with respect to the student's education records.

These rights are:

(1) The right to inspect and review the student's education records within forty-five (45) days of the day the school receives a request for access. Parents or eligible students should submit to the school principal a written request that identifies the record(s) they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place the records may be inspected.

(2) The right to request the amendment of the student's education records that the parent or eligible student believes to be inaccurate.

Parents or eligible students may ask the school to amend a record that they believe is inaccurate. They should write the school principal, clearly identify the part of the record they want changed, and specify why it is inaccurate. If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

(3) The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the school as an administrator, supervisor, instructor or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the school has contracted to perform a special task (such as an attorney, auditor, medical consultant or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks; and such other volunteers and personnel as may be designated by the school District as "school officials" for the purposes of FERPA. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the school discloses education records without consent to officials of another school district in which a student seeks or intends to enroll. In addition, we intend to disclose Directory Information upon request without prior notification to guardians unless the OPT-OUT Form has been completed and submitted.

(4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-5901

### **C. Health Insurance Portability and Accountability Act**

The District is required by the Health Insurance Portability and Accountability Act (HIPAA) to inform students and their families of the District's legal duties and privacy practices with respect to student health information. The District is committed to protecting student's health information, abiding by the requirements of HIPAA, and following all laws regarding the use of your health information. Student health information is private. The District understands that information the District collects about students and their health is personal. Pursuant to HIPAA, the District has in place procedures and practices that ensure that health information is collected and stored in a manner calculated to protect it from release to anyone other than school personnel who need to know in order to keep students safe. In addition, a student's family may request a copy of the health information the District has collected regarding a student in order to review it for accuracy. Any questions regarding HIPAA can be directed to:

HIPAA Compliance Officer  
Cleveland Metropolitan School District, Law Department  
1111 Superior Avenue E, Suite 1800  
Cleveland, Ohio 44114  
216.838.0070 FAX 216.436.5064

### **D. Searches and Seizures**

Students have the right of privacy of their person and freedom from unreasonable search or seizures of property. Students have the right to place their belongings in lockers, where available, as long as those belongings do not threaten that individual's health or safety, or the health, safety or rights of others in the building.

On occasion, it may be necessary for school staff or law enforcement officers to take actions to assure a safe and drug-free environment. Such actions may include a search of the contents of a student's locker, desk, person and personal property, gym bag, backpack or automobile parked on school property, if there are reasonable grounds for suspecting the search will turn up evidence that the student has violated or is violating either the law or the rules of the school.

School lockers are the property of the District. Those lockers and any contents are subject to random searches at any time, regardless of whether there is reasonable suspicion that a law or school rule has been broken. In addition, there may be a generalized "sniff search" of school building contents using trained narcotics-detecting dogs.

Electronic metal detectors may be used to prevent weapons and other contraband from being brought into District facilities.

In order to provide for the safety of students, some schools and/or school buses may be equipped with video cameras for monitoring purposes.

School authorities or law enforcement officers shall confiscate weapons, dangerous implements, illegal drugs and narcotics, which are found on school premises or in the possession of students. School authorities may confiscate articles that have the potential for disturbing the educational process. Such articles may be retrieved by parents/guardians from the school office.

For more information, please review Board Policy JFG and JFG-R, accessible at [ClevelandMetroSchools.org](http://ClevelandMetroSchools.org) under the "Board Policies" sidebar in the "Board" section.

## **E. Ohio Revised Code 3313.671 Immunization of pupils; records, reports**

Parents/guardians of students entering or re-entering CMSD shall submit proof of a complete immunization record as required by the State of Ohio Department of Health. The District may make and enforce such rules to secure the immunization of, and to prevent the spread of communicable diseases among pupils attending or eligible to attend the schools of the District.

The Cleveland Metropolitan School District will follow the Ohio Department Board of Health laws and guidelines in reference to child immunization requirements and to working with students, staff, schools, and communities with communicable diseases. ORC 3313.671 states students may be excluded two (2) weeks after the start of the school year for incomplete immunizations or not having proof of immunizations.

CMSD staff, nurses and family liaisons will work with parents/guardians to assist with immunization and decrease exclusion.

Exception by ORC 3313.671 to immunization rule:

1. Written statement (waiver) form signed by the parent or guardian of the student in which the parent or guardian declines to have the student immunized for reasons of conscience, including religious convictions.
2. A child whose physician certifies in writing that such immunization against any disease is medically contraindicated is not required to be immunized against that disease.

### **Physical exam**

Parents of students entering or re-entering CMSD shall submit a copy of a student's current physical exam (less than one (1) year old) as required by CMSD Board policy.

### **Medication**

Students requiring medication or treatment during school hours shall submit a completed medication/treatment form, from a doctor/nurse practitioner/dentist, signed and provided to the school nurse for each change. For each change in medication/treatment (dosage, time, route), a new medication/treatment form needs to be completed.

Administration of medications is the principal's or designee's responsibility in the absence of the school nurse.

For more information, please review Board Policies JHCD and JHCA, accessible at [ClevelandMetroSchools.org](http://ClevelandMetroSchools.org) under the "Board Policies" sidebar in the "Board" section.

## **F. Section 504 Policies and Procedures – Parent Information**

If you feel your child may be eligible for a Section 504 Accommodation Plan due to a qualifying disability, please contact your school principal or access the information on the District's website at [ClevelandMetroSchools.org](http://ClevelandMetroSchools.org). The school principal is the school's Section 504 coordinator and has ample referral forms available in the main office for parents and teachers to use to begin the evaluation process.

We will use our best efforts to ensure that no student with a disability, as defined by Section 504 of the Rehabilitation Act of 1973 ("Section 504") within the District's jurisdiction, will be denied because of his/her disability, participation in curricular, intramural or interscholastic activities or any of the services offered or rendered regularly to the students of this District. No otherwise-qualified person shall, solely by reason of his/her disability, be subjected to discrimination under any program or activity sponsored by the Cleveland Metropolitan School District. We are committed to ensure that students with Section 504 disabilities be identified, evaluated and provided with a free appropriate public education. The Administrative Guidelines of the District's Section 504 Procedural Manual require that when evaluating a student under Section 504, the student's Section 504 team is to consider all appropriate assessments. Section 504 prohibits the District from categorically excluding any particular type of assessment from consideration. We do not discriminate on the basis of disability with regard to admission, access to education services, treatment or employment in our programs and activities.

Our educational program will be equally accessible to all students at each grade level. Barrier-free access to school facilities will be provided to the maximum reasonable extent possible to ensure that no individual with a disability is denied an opportunity to participate in a District program available to persons without disabilities. Students with disabilities shall have facilities of a type and quality equivalent to those of students without disabilities. By law, students who only "have a record of" or "are regarded as" having a disability are not entitled to services and/or accommodations under a Section 504 Plan. Only those students who presently have a physical or mental handicap which substantially limits one or more major life activities will be entitled to a Section 504 Plan. Any student who needs, or is believed to need, accommodations or related services not available through existing programs in order to receive a free appropriate public education may be referred by a parent, teacher or another person for identification and possible evaluation of the student's individual educational needs.

The District's complete Section 504 Procedure Manual may be accessed on the District's website at [ClevelandMetroSchools.org](http://ClevelandMetroSchools.org) under the "Civil Rights Notices" header in the "Parents"

section. Hard copies of the manual are available at CMSD's Welcome Center located on the first floor at 1111 Superior Ave. E, Cleveland, OH 44114 or by requesting a copy from your building administrator.

If you have questions, please contact your principal or the District's Law Department at 216.838.0070.

## **G. IDEIA - Parent Information**

The Individuals with Disabilities Education Improvement Act of 2004 (IDEIA) is a federal law that ensures that all students with disabilities receive a free appropriate public education. The District is responsible for ensuring all students identified with disabilities under IDEIA receive specialized instruction and related services through an Individualized Education Plan (IEP). The IEP is designed to address a child's unique educational needs while also providing for meaningful access to the general education curriculum. Furthermore, under the principle of "least restrictive environment," all students identified under IDEIA have the right to be educated in the same settings as their typical peers to the greatest extent possible.

Any student who needs, or is believed to need, accommodations or related services not available through existing programs in order to receive a free appropriate public education may be referred by a parent, teacher, or other person for identification and possible evaluation of the student's individual educational needs. If you believe your child may have a disability that impacts his or her ability to be successful in a school setting and may require specially designed instruction, please speak with your child's teacher or the building administrator about your concerns. You may also make a formal request for evaluation in writing to the building administrator. Upon receipt of this request, the Student Support Team will convene within 30 days to review all relevant information as well as parent input, to make a determination as to whether a disability is suspected.

A Guide to Parent Rights in Special Education is the procedural safeguards notice published by the Ohio Department of Education's Office for Exceptional Children. It outlines the rights of students, parents, and the District under IDEIA and Ohio Revised Code. A copy of this document may be requested at any time by contacting your child's school or calling the District's Special Education Office at 216.838.7733.

Any questions regarding IDEIA that are not addressed at the school level may be directed to the Special Education Office at 216.838.7733.

## **H. Food Allergy Guidelines**

The District's Food Allergy Guidelines may be accessed at [ClevelandMetroSchools.org](http://ClevelandMetroSchools.org) under the "Civil Rights Notices" header in the "Parents" section. Hard copies of the Guidelines are available at CMSD's Welcome Center located on the first floor at 1111 Superior Ave. E, Cleveland, OH 44114 or by requesting a copy from your building administrator.

## **VIII. STUDENT RIGHTS DURING INVESTIGATIONS BY LAW ENFORCEMENT AGENCIES AT SCHOOL**

### **A. During Criminal/Delinquency Investigations**

As good citizens of the community, students have a responsibility to cooperate with the police in the investigation of suspected crimes. Under some circumstances, students being interviewed/questioned by law enforcement authorities at school may find that they are suspects in or witnesses to an investigation. Students must properly identify themselves to law enforcement authorities. Students are entitled to certain rights when questioned by law enforcement authorities, but may have a legal obligation to cooperate.

Neither students nor school staff may engage in the obstruction of justice, interfere with police in the performance of their duties or refuse to report suspected cases of felonies (serious crimes) under penalties of law.

A student may wish to consult his/her parent, guardian or legal custodians before being interviewed. The principal shall make every effort to contact the parent(s)/guardian(s) for the student. Parents, guardians or legal custodians may notify the principal that they do not wish to have the student interviewed unless they are present. The principal shall make known to the student and the law enforcement authorities the desire of parent, guardian or legal custodians.

### **B. Investigations of Suspected Child Abuse/Neglect**

Ohio law requires certain persons, including school personnel, to report all cases of suspected child abuse or neglect. The law also grants these persons immunity from criminal or civil liability as a result of such reports.

In Cuyahoga County, the Department of Children and Family Services is the investigating agency for child abuse/neglect. The agency may invoke or request the assistance of police in investigations. When notified that such an investigation will take place at school, a building administrator must:

1. View official county-issued photo identification of the investigator;
2. Cooperate with the Department of Children and Family Services and determine from the investigator whether or not the parent, guardian or legal custodian is to be notified. In the event the parent/guardian is not to be notified, the building administrator may request that the Children and Family Services worker agree to notify the parent, guardian or legal custodian after the interview takes place, or to remove the pupil from the school as provided in the law;
3. Be present during the interview. If the interview is the result of the student having confided in a school staff person, that person may also be present during the interview; and

4. Be aware that if the worker does not wish to conduct the interview in the presence of school personnel that the worker must choose between two options:
  - a. conduct the interview during such time as the student is not subject to the authority of the school, or
  - b. obtain the necessary legal papers to remove the student from school premises and then conduct the interview.

The Department of Children and Family Services may issue a legally binding Emergency Temporary Care Form signed by the worker and his/her supervisor, which is valid for seventy-two (72) hours. After such time, a proper court order is necessary for the agency to retain custody. When the agency takes custody, it is the responsibility of the worker to notify the parent, guardian or legal custodian that it has done so, if possible, before removing the student from the school and to inform the Principal if the parent, guardian or legal custodian has been notified. Principals shall file an Incident Report with the Division of Safety and Security when this happens.

If you have questions call:

The District's Health Services Department – 216.838.0270 or

Cuyahoga County Department of Children and Family Services – 216.696.KIDS.

## **IX. STUDENT HARASSMENT, INTIMIDATION, AND BULLYING (District Policy JFCF)**

Harassment, intimidation or bullying (including cyber bullying) is an intentional written, verbal or physical act that a student has exhibited toward another particular student or school personnel more than once, and such behavior causes mental or physical harm to the other student or school personnel, and is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment for the other student or school personnel. When these elements are met, a prohibited incident of harassment, intimidation or bullying has occurred. Harassment, intimidation or bullying of any student or school personnel on school property or at school-sponsored events is prohibited.

The law defines "harassment, intimidation or bullying" to be either of the following:

- 1) Any intentional written, verbal, electronic or physical act that a student has exhibited toward another particular student more than once and the behavior both:
  - a) causes mental or physical harm; and

b) is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment for other students; or

2) Violence within a dating relationship.

Cyber bullying of students or school personnel at any time and at any location by students is prohibited. Cyber bullying is the use of information and communication technologies such as e-mail, cell phones and pager text messages, instant messaging (IM), defamatory personal web sites and defamatory online personal polling websites to support deliberate, repeated, and hostile behavior by an individual or group that is intended to harm others. Cyber bullying includes, but is not limited to the following:

- Posting slurs or rumors or other disparaging remarks, making threats of any kind and discussing threats of any kind about a student or school personnel on a web site or web log;
- Sending e-mail or instant messages that are mean or threatening, or so numerous as to drive up the victim's cell phone bill;
- Using a camera phone to take and send embarrassing photographs;
- Posting misleading or fake photographs on websites.

Permission, consent or assumption of risk by an individual subjected to harassment, intimidation or bullying does not lessen the prohibition contained in this policy. 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 harassment, intimidation or bullying activities. No students, including leaders of student organizations, are permitted to plan, encourage or engage in any harassment, intimidation or bullying.

Administrators, teachers and all District employees are particularly alert to possible conditions, circumstances or events that might include hazing or bullying. If harassment, intimidation or bullying or planned harassment, intimidation or bullying is discovered, involved students are informed by the discovering District employee of the prohibition contained in this policy and are required to end all harassment, intimidation or bullying activities immediately. All student harassment, intimidation or bullying incidents shall be reported immediately to the school principal or other administrator designated by the school principal, and appropriate discipline shall be administered. School personnel are required to report prohibited incidents of which they are aware to the principal or other designated administrator who shall document the report, investigate it, respond as appropriate and develop a strategy for protecting the victim from additional prohibited incidents and from retaliation following a report. An appropriate response could include student disciplinary action under the Student Rights and Responsibilities.

A copy of this policy and an explanation of the seriousness of bullying by electronic means, will appear in future editions of the Code, and be made available to students and their custodial parents or guardians. Once each school year a written statement describing this policy and the consequences for violations thereof shall be sent to each student's custodial parent or guardian. This statement may be sent with student report cards or may be sent electronically. The Chief Executive Officer/designee must provide the Board of Education Chair with a quarterly written report of all reported incidents of harassment, intimidation or bullying and post the report on the District's website to the extent permitted by student privacy and records laws.

The administration provides training on the District's harassment, intimidation or bullying policy to District employees and volunteers who have direct contact with students. Additional training is provided to elementary employees in violence and substance abuse prevention and positive youth development, and to middle and high school grade employees in the prevention of violence within a dating relationship.

The District shall provide all students with age-appropriate instruction on this policy, including written or verbal discussions of the consequences for violations of the policy. Custodial parents or guardians of students involved in a prohibited incident will be notified and have access to any written report regarding the incident to the extent permitted by student privacy and records laws. District employees, students and volunteers may have qualified civil immunity for damages arising from reporting an incident of harassment, intimidation or bullying in good faith and in accordance with this policy. Administrators, teachers, other employees and students who fail to abide by this policy may be subject to disciplinary action and may be liable for civil and criminal penalties in compliance with State and Federal law.

No one is permitted to retaliate against an employee or student because he/she files a grievance or assists or participates in an investigation, proceeding or hearing regarding the charge of harassment, intimidation or bullying of an individual. The District shall provide a means by which a person may report an incident anonymously. Students are prohibited from deliberately making false reports of harassment, intimidation or bullying, and any student responsible for deliberately making such a false report may be subject to a full range of disciplinary consequences.

## **X. SEXUAL HARASSMENT, DISCRIMINATORY HARASSMENT, AND DISCRIMINATION (District Policy AC)**

It is the policy of the Cleveland Municipal School District to maintain educational and work environments free from sexual harassment and from discriminatory harassment or discrimination on the basis of any individual's sex, race, ethnicity, citizenship status, color, national origin, religion, age, sexual orientation, gender identity or expression, genetic information, military status, disability, or any other characteristic protected by law.

This policy applies to all students, applicants, and employees of the Cleveland Municipal School District and extends to educational programs and activities and to employment within the District.

The District prohibits any and all forms of sexual harassment, discriminatory harassment, and discrimination by faculty, staff, students or any person with whom our faculty, staff or students interact in an educational or work environment as defined by this policy.

Any verbal, nonverbal, or physical conduct that discriminates against or harasses, disrupts, or interferes with another's educational or working environment or creates an intimidating, offensive, or hostile educational or working environment, is unacceptable and will not be tolerated.

The District will promptly and equitably investigate all complaints – formal or informal, verbal or written – of sexual harassment, discriminatory harassment or discrimination.

Employees or students who engage in behavior in violation of this policy shall be subject to disciplinary action.

Retaliation is prohibited. No faculty member, staff member, or student may penalize, intimidate, or retaliate against a student or employee because they submit a claim; assist or participates in an investigation, proceeding or hearing regarding a complaint filed pursuant to this policy or because they have opposed conduct in violation of this policy.

## **A. PROHIBITED CONDUCT**

### **1. Discriminatory Harassment:**

Verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of their sex, race, ethnicity, citizenship status, color, national origin, religion, age, sexual orientation, gender identity or expression, genetic information, military status, disability, or any other characteristic protected by law, and that:

- a. has the purpose or effect of creating an intimidating, hostile, or offensive educational or work environment; or
- b. has the purpose or effect of unreasonably interfering with an individual's educational or work performance; or
- c. otherwise adversely affects an individual's educational or employment opportunities.

### **2. Discrimination:**

Any behavior, expression, or activity that stigmatizes or victimizes individuals or groups of people because of their personal attributes, including sex, race, ethnicity, citizenship

status, color, national origin, religion, age, sexual orientation, gender identity or expression, genetic information, military status, disability, or any other characteristic protected by law, and that:

- a. involves an express or implied threat to an individual's educational efforts, participation in school-sponsored extracurricular activities, terms or conditions of employment, or personal safety; or
- b. has the purpose of interfering with an individual's educational efforts, participation in school-sponsored extracurricular activities, terms or conditions of employment, or personal safety; or
- c. creates an intimidating, hostile, demeaning or offensive educational or work environment.

### 3. Sexual Harassment:

Title IX of the Education Amendments of 1972 prohibit the District from engaging in discrimination on the basis of sex. The District follows the definitions and implementing regulations as provided by the United States Department of Education. District employees with actual knowledge of a student being subject to sexual harassment are required report the conduct to the Title IX Coordinator.

The Chief Executive Officer appoints an individual or individuals to serve as the Title IX Coordinator. The Title IX Coordinator will coordinate the District's efforts to comply with its responsibilities under Title IX, this policy, and applicable state and federal law. This coordination includes assessing and addressing the training needs of District employees.

The Title IX Coordinator is responsible for maintaining sexual harassment procedures and processes for promptly and equitably resolving complaints of violations of this policy and will publish the procedures on the District's website. The sexual harassment procedures and processes may differ from the investigative process identified in this policy based on United States Department of Education regulations. At a minimum, the grievance procedures and processes will include the applicable definitions of prohibited conduct, explain the applicable investigative process, identify the standard of proof against which complaints will be evaluated, and provide any other information required by law.

Complaints may allege sexual harassment as well as other forms of discrimination or discriminatory harassment. In such cases, allegations of sexual harassment will be investigated pursuant to the sexual harassment procedures and allegations related to other forms of discrimination or discriminatory harassment will be investigated in accordance with the investigative process identified in this policy.

Questions regarding the applicability of Title IX, or United States Department of Education's implementing regulations to the District may be directed to the District's Title IX Coordinator, to the Assistant Secretary of the United States Department of Education, or both.

## **B. REPORTING**

The District is committed to resolving complaints of violations of this policy as quickly and efficiently as possible.

Any student or employee who believes they have been subjected to sexual harassment, discriminatory harassment, or discrimination by another person is encouraged, but not required, to notify the offender in an effort to stop the behavior.

If a student or employee believes he/she has been sexually harassed, discriminately harassed, or discriminated against or has knowledge that others have been subjected to such behavior, they should report the incident to the Director of EEO/Title IX Coordinator.

A report can be submitted verbally or in writing.

A written report can be made by completing the Sexual Harassment, Discriminatory Harassment, and/or Discrimination Complaint Form, attached to this policy and available in each school and department or by e-mail or letter submitted to the Director of EEO/Title IX Coordinator. Oral reports shall be considered complaints as well. All complaints shall be handled in accordance with District procedure.

## **C. INVESTIGATION**

Upon receipt of a complaint alleging discrimination or discriminatory harassment, the Director of EEO shall promptly undertake or authorize investigation. That investigation may be conducted by District officials or by a third party designated by the District. Whether a particular incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances. In determining whether the alleged conduct constitutes a violation of this policy, the investigating individual may consider:

- a. the nature of the behavior.
- b. the relationship between the parties involved.
- c. where the harassment occurred.
- d. any past incidents involving the same individuals.
- e. whether the conduct adversely affects the work environment.
- f. the context in which the alleged incidents occurred.

During the course of an investigation under this policy, the investigating individual may conduct interviews with the complainant, alleged victim, alleged offender, any identified witnesses, or any other individuals deemed necessary by the investigating individual, as well as a review of pertinent documents.

An alleged offender will be informed of the allegation(s), the facts surrounding the allegation(s), and will be provided an opportunity to respond to the allegations and to submit evidence in his/her defense for the investigator's consideration.

The District aims to complete all discrimination and discriminatory harassment investigations within 60 calendar days of the initial report. However, there may be some investigations that cannot be completed within 60 calendar days. In such cases, the District will communicate to the complainant that the investigation is going to take longer than 60 calendar days and will indicate when the District believes it will complete the investigation.

After conclusion of the investigative process, the investigating individual shall submit written reports of their conclusions to the Director of EEO. The finding about whether or not there is a violation of this policy will be communicated to the complainant and the alleged offender. However, any sanction imposed will not be communicated with the complainant. Reports to the alleged victim and alleged offender may be conclusory in nature and need not identify witnesses interviewed, statements offered, or evidence collected. The results of the investigation of each complaint filed under these procedures will be reported in accordance with state and federal laws regarding data or records privacy, and consistent with the privacy rights of the alleged harasser.

The District's obligation to conduct this investigation shall not be extinguished by the fact that a criminal investigation involving the same or similar allegations is also pending or has been concluded.

#### **D. SCHOOL DISTRICT ACTION**

If a violation of this policy has occurred, the District will take prompt, appropriate action to address the violation. Appropriate actions related to students may include but are not limited to counseling, awareness training, parent-teacher conferences, warning, suspension, expulsion, transfer, or exclusion. Appropriate actions related to employees may include but are not limited to counseling, awareness training, warning, transfer, termination or discharge. District action taken for violation of this policy shall be consistent with the requirements of applicable collective bargaining agreements, student codes of conduct, state and federal law, and the District's policies on disciplinary action.

The District will respect the privacy of the complainant, the individuals against whom the complaint is filed, and the witnesses as much as possible, consistent with the District's legal obligation to investigate, to take appropriate action, and to conform to any discovery or disclosure obligations.

In the event that the evidence suggests that the violation at issue is also a crime in violation of an Ohio criminal statute, the Director of EEO/Title IX Coordinator shall report the results of the investigation to the appropriate law enforcement agency charged with responsibility for handling such crimes.

Copies of all complaints and the investigations conducted pursuant to this policy shall be maintained for a period in accordance with the state statutes of limitations by the Director of EEO/Title IX Coordinator.

## **E. REPRISAL**

Submission of a good faith complaint or report pursuant to this policy will not affect the complainant or reporter's educational or work status, environment or assignments.

Students and employees are prohibited from deliberately making false complaints of sexual harassment, discriminatory harassment, or discrimination. Students and employees found responsible for deliberately making false reports of sexual harassment, discriminatory harassment, or discrimination may be subject to a full range of disciplinary consequences.

Retaliation of any type against any person who reports an alleged violation of this policy, or who testifies, assists, or participates in an investigation or hearing related to such a violation is not tolerated by the District. The District will discipline any student, teacher, administrator or other school personnel who engages in retaliation, including possible termination or expulsion. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

## **F. ENFORCEMENT**

The Chief Executive Officer designates the Director of EEO/Title IX Coordinator as the District personnel with responsibility to identify, prevent, and remedy sexual harassment, discriminatory harassment, and discrimination. This individual shall:

- Receive complaints of sexual harassment, discriminatory harassment, and discrimination
- Oversee the investigative process
- Be responsible for assessing the training needs of the District's staff
- Arrange for necessary training
- Ensure that any investigation is conducted by an impartial investigator who has been trained in the requirements of equal employment opportunity

A copy of this policy shall appear in the student and employee handbooks and shall be made available upon request of any employee and other interested parties. This notice shall include the name or title, mailing address, email address, and telephone number of the Director of EEO/Title IX Coordinator, the mailing address and telephone number of the United States Equal Employment Opportunity Commission, and information for accessing this policy online.

The District will develop a method of discussing this policy with employees. Related training will be provided to all administrative personnel and school personnel on an annual basis, and at such other times as the CEO, in consultation with the Director of EEO/Title IX Coordinator, determines is necessary or appropriate.

The CEO or their designee shall report to the Board periodically pursuant to Policy CL-Administrative Reports.

The District's Sexual Harassment (Title IX) grievance procedures may be accessed on the District's website at [ClevelandMetroSchools.org](http://ClevelandMetroSchools.org) under the "Civil Rights Notices" header in the "Parents" section. Hard copies are available at CMSD's Welcome Center located on the first floor at 1111 Superior Avenue East, Cleveland, OH 44114 or by requesting a copy from your building administrator.

Related Contacts:

**Director of Equal Employment Opportunity/ Title IX Coordinator**

1111 Superior Avenue East, Suite 1800  
Cleveland, Ohio 44114  
Phone: 216.838.0070  
[TitleIX\\_EEO@ClevelandMetroSchools.org](mailto:TitleIX_EEO@ClevelandMetroSchools.org)

**Equal Employment Opportunity Commission**

Cleveland Field Office  
Anthony J. Celebrezze Federal Building  
1240 E 9th Street, Suite 3001  
Cleveland, OH 44199  
Telephone: 1.800.669.4000

**Office for Civil Rights**

U.S. Department of Education  
1350 Euclid Avenue, Suite 325  
Cleveland, OH 44115-1812  
Telephone: 216.522.4970

**XI. CORPORAL PUNISHMENT, STUDENT RESTRAINT AND SECLUSION**

Corporal punishment is defined as inflicting bodily pain upon an individual for the commission or omission of an act. Corporal punishment is prohibited and shall not be used as a form of discipline in the District. The Board expects the administration, faculty and staff to use other forms of discipline, i.e., counseling and referral, including communication and meetings with the parents to promote appropriate, positive behavior.

Teachers, principals, administrators and support staff are authorized by law to use, within the scope of their employment, "such amount of force and restraint as is reasonable and necessary to quell a disturbance threatening physical injury to others, to obtain possession of weapons or other dangerous objects upon the person or within the control of the pupil for the purpose of self-defense, or for the protection of persons or property."

The school environment should be one that ensures the care, safety and welfare of all students and staff members. Efforts to promote positive interactions and solutions to potential conflict should be exhaustive. In the event that an individual's behavior presents a threat of imminent harm to self or others, the use of approved physical intervention or seclusion strategies to maintain a safe environment may be used as a last resort.

Given an immediate risk of physical harm to the student or others and no other safe and effective interventions are possible, trained teachers and school staff may apply a physical restraint or seclude a student in accordance with the procedures enumerated in District Policy JP. If a physical restraint or seclusion is utilized, the employee is required to report and follow up on the event in accordance with District Policy JP.

The appropriate use of restraint and seclusion techniques and the elimination of corporal punishment are continually monitored. Parents may present written complaints to the Principal of their child's school to initiate a complaint investigation by the District regarding an incident of corporal punishment, improper restraint, or improper seclusion.

For more information, please review Board Policy JP, accessible at [ClevelandMetroSchools.org](http://ClevelandMetroSchools.org) under the "Board Policies" sidebar in the "Board" section.

## **XII. OPTION/ALTERNATIVE LEARNING CENTERS**

In an effort to provide a positive educational alternative for students who have difficulty adjusting to a regular school setting and meeting specific program criteria, the District may establish option/alternative schools. These schools, when in operation are designed to serve and support specific types of "at risk" students and their families.

Students whose behavior and/or academic failure is a cause of concern will be referred to the appropriate center after the sending school provides a history of reasons for the referral and detailed documentation of interventions that have failed. The referral will take place after a conference between the student, his/her parent, guardian or legal custodian, and the building's referral team. The sending school will forward the referral packet to the Office of Hearings and Appeals for review before the referral is forwarded to the appropriate center. School staff will interview the student and parent, guardian or legal custodian. If the student is determined to be able to profit from the program, and if the student completes an education contract with parental consent, the student will be transferred to the appropriate center.

## XIII. STUDENT ASSIGNMENTS

### A. Regular Assignment and Intra-District Enrollment or Transfer

The Board determines attendance areas for the various schools of the District. The CEO recommends boundary lines, taking into consideration the best use of the school facilities, the equalization of enrollments in classrooms, natural barriers and traffic hazards and patterns. Except as the foregoing factors influence boundary lines, the area established should generally permit each student to attend the school nearest his/her place of residence.

Generally, students attend the school which best serves their academic needs and which serves the attendance area in which their parents reside, or if a student does not reside with his/her parents in the school serving the attendance area where the child resides, as determined under Ohio law. Upon acceptance, the student may attend another school pursuant to the District's intra-district open-enrollment policy.

### B. Involuntary Transfer

The CEO is vested with the authority to assign students to schools. The CEO or his/her designee is authorized to make exceptions to the District's regular assignment processes on the basis of health and/or safety reasons or other extraordinary circumstances.

In such situations, a student may be involuntarily transferred to another classroom or another school within the District. An involuntary transfer may be either temporary or permanent. The issuance of involuntary transfer to another school and its duration is at the discretion of the CEO or his/her designee.

Students who commit a Level 3 or Level 4 offense may be considered for an involuntary transfer to another school. Although a referral for an involuntary transfer may coincide with the issuance of a suspension or expulsion, an involuntary transfer itself is a corrective action for the benefit of the student and the District and is not discipline. An involuntary transfer is not subject to the same appeal processes associated with a suspension or expulsion.

### C. Assignment of Students Experiencing Homelessness

The District shall enroll a student experiencing homelessness. Students may continue to attend the last school they attended before they became homeless (school of origin), or they may go to a school designated for the shelter or address where they are temporarily residing. A permanent address is not necessary for school enrollment. Parent, guardian or legal custodian should contact Dr. Marcia Zashin, District Liaison, Project ACT 216.838.0210 at the District Office, 1111 Superior Avenue E, Suite 1800, Cleveland, OH 44114 or go to [ClevelandMetroSchools.org/ProjectACT](http://ClevelandMetroSchools.org/ProjectACT) for assistance.

## D. Homebound Instruction

Home Instruction is a service provided by the CMSD for students with orthopedic and/or health handicaps, health impairments, temporary health conditions, severe emotional handicaps or any other severe handicapping condition that prevents them from attending school even with special services or the aid of transportation. For more information on this service, please contact the coordinator of Home Instruction at 216.838.0209.

## XIV. STUDENT ATTENDANCE

### A. Students Between the Ages of 6-18 shall:

1. go to school every day throughout the school year; or
2. confer with their teachers to make up all work missed because of absence.

### B. Parent(s), Legal Guardian(s) or Legal Custodian shall:

1. encourage and monitor their child's/children's school attendance;
2. abide by Ohio Compulsory Attendance Laws;
3. provide the school with a written explanation in the event of the absence of their student; and
4. confer with the student's teachers to make up all work missed because of absence.

### C. Schools shall:

1. encourage students to improve both their attendance and punctuality;
2. maintain accurate and electronically accessible student attendance records;
3. notify parents, guardians, or legal custodians if a student is absent through the District's electronic attendance notification system.

Absences will be considered "excused" for the following reasons:

1. **Personal illness** - The approving authority may require the certificate of a physician if he/she deems it advisable.
2. **Illness in the family** - The approving authority may require a written statement from a physician and an explanation as to why the child's absence was necessary.
3. **Quarantine of the home** - The absence of a child from school under this condition is limited to the length of quarantine as fixed by the proper health officials.
4. **Death of a relative** - The absence arising from this condition is limited to a period of three days unless a reasonable cause may be shown by the applicant child for a longer absence.

- 5. Observance of religious holidays** - Any child of any faith shall be excused if his/her absence was for the purpose of observing a religious holiday consistent with his/her truly held religious beliefs.
- 6. Medical or dental appointment** - The approving authority may require a written statement from a physician or dentist and an explanation as to why the child's absence was necessary.
- 7. College visitation** - The approving authority may require verification of the date and time of the visit by the college, university or technical college.
- 8. CEO's judgment** - Use the Attendance Verification Worksheet to indicate this reason.
- 9. Emergency or other set of circumstances** - Circumstances which, in the judgment of the District CEO, constitute a good and sufficient cause for absence from school.

All other absences will be considered "unexcused."

Students who are unable to attend school because of a severe health impairment or temporary physical condition may qualify for home instruction. Parent, guardian or legal custodian should contact the Home Instruction Office at 216.838.0209 for details if such a condition is present.

#### **D. Truancy**

Ohio law provides that students are considered a "habitual truant" if they have been absent without a legitimate excuse for thirty (30) or more consecutive hours of instruction, forty two (42) or more hours of instruction within a school month, or for more than seventy two (72) hours of instruction within a school year.

Students who have been designated a "habitual truant" will be referred to the District's Absence Intervention Team to receive appropriate supports consistent with Ohio law and the District's Student Attendance policy, Board Policy JE. Such supports may include, but are not limited to, parental notification, a truancy intervention plan, counseling, referrals to parental programs, notification to the registrar of motor vehicles, and/or referral to the juvenile court. The District will notify the Ohio Department of Education of habitual truant designations, related parental notifications, related court adjudications, and absence intervention plans as required by Board Policy and Ohio Law.

The District will not suspend, expel, or remove a student from school solely on the basis that the student was absent from school, tardy, or cut class without legitimate excuse.

The District believes regular attendance helps ensure students maximize their opportunities to receive instruction and progress academically. Although absenteeism will not directly result in a student's retention from progressing to the next academic grade level, the results of regular absenteeism may impact a student's ability to otherwise meet promotion requirements.

- E. A student must be in attendance at school in order to participate in any after-school or evening activity on that date.**

For more information, please review Board Policy JE, accessible at [ClevelandMetroSchools.org](http://ClevelandMetroSchools.org) under the "Board Policies" sidebar in the "Board" section.

## **XV. DRIVER'S LICENSE REVOCATION**

Under Ohio law, a student's driving privileges may be revoked by the State of Ohio for excessive unexcused absences and/or being suspended or expelled for the use or possession of alcohol or the abuse of drugs. A student's driving privileges shall be revoked for misconduct involving habitual truancy or the bringing of firearms and/or knives onto District property.

## **XVI. EDUCATIONAL TECHNOLOGY**

### **A. Video Surveillance**

The District authorizes the use of video cameras on school property and transportation vehicles to ensure the health, welfare and safety of all staff, students and visitors to District buses or property, and to safeguard District facilities and equipment. Video cameras may be used in locations deemed appropriate by the CEO, while safeguarding the privacy rights of students and staff. Video recordings may become a part of a student's educational record. The District shall comply with all applicable state and federal laws related to record maintenance and retention.

### **B. Acceptable Internet Use**

The District offers students access to the District's network and Internet for educational purposes and preparation of the students for life and work in the 21st Century. Students are expected to follow all guidelines; unacceptable use of the District's network may result in a cancellation of Internet access, in whole or in part, as well as other disciplinary or legal actions.

Acceptable uses of the Internet include participation in collaborative efforts, accessing real-time data and unique resources, publishing information and resources, conducting research and communicating broadly and effectively.

Unacceptable uses include, but are not limited to, accessing material that is profane or obscene; suggesting illegal acts and/or advocating violence or discrimination; using access to commit illegal acts; attempting to access any resources that are restricted, confidential or privileged; posting chain letters or personal contact information; participating in Internet relay

chat, news groups or mailing lists unless directed and supervised by a staff member; granting access to unauthorized persons intentionally or unintentionally or failing to notify a teacher or administrator if you suspect someone of using your password; agreeing to meet someone online; disruption of access of District or other computers; causing damage or changing function of operation or design of technology; use of obscene, vulgar or threatening language; harassing others; posting defamatory information; disregarding rights of copyright owners; causing or permitting protected material to be uploaded or broadcast in any way.

For more information, please review Board Policy EDE, accessible at [ClevelandMetroSchools.org](http://ClevelandMetroSchools.org) under the "Board Policies" sidebar in the "Board" section.

## **XVII. STUDENT BEHAVIORAL SUPPORTS**

The District strives to provide an environment for students and educators that is conducive to learning. It is critical that all staff members, professionals, and students have a safe place to work and learn. One key component to a quality learning environment is a culture of appropriate student behaviors and behavioral supports. At times, student behaviors will fall short of meeting the District's expectations and might cause harm to the student, other students, educators, or the school environment. In order to promote further learning, the District seeks to provide an appropriate blend of behavioral supports and consequences for students to better align their behaviors with those that foster a strong learning environment, to repair harm that has been done by negative behaviors, and to restore a student's relationship with their peers, educators, and school community.

The District provides a wide array of programs, models and services to support student behaviors. Because every school has a unique identity and culture, the specific models, programs and services implemented at each school may vary. The goal of student behavioral supports and corrective actions is universal across the District: to repair harm, restore relationships, and create a climate conducive to educational and social well-being utilizing the least restrictive and least punitive means reasonably aligned to support that goal. Although the specific models, programs and services utilized in each school may vary, building leaders are encouraged to select behavioral supports and corrective actions from among this menu of options.

### **Restorative Practices**

The vast majority of negative behavioral incidents can be addressed promptly and informally by District educators or other individuals who have witnessed harm being committed by another student. In these cases, the occurrence of a negative behavior should prompt an educational opportunity to identify harmful behaviors, empathize with those who have been harmed and those who have caused harm, remedy the harm and restore relationships. The restorative process itself should create an educational opportunity for both those who have caused harm and those who have been harmed.

**Affective Statements:** When a student's conduct causes harm to another individual, that individual, whether a student or educator, is encouraged to address the student causing the harm with affective statements that express feelings, in order to promote thoughts about the harm the conduct has caused. Affective statements can also be used to promote positive behavior. Examples of affective statements include:

- "It hurt my feelings when you interrupted my lesson today."
- "It makes me sad when you make fun of other students because I know you're capable of being kind to others."
- "I really enjoyed the way you included me in your conversation at lunch today."
- "It made me really happy that you raised your hand until you were called on."

**Affective Questions:** Conflicts within schools create a valuable learning opportunity for both those who have caused harm and those who have been harmed. Thinking about the cause and impact of a particular conflict is an important step for all sides of a conflict in order for a natural consequence, restoring a student's place in a classroom, to be achieved; it also allows an opportunity for the parties to learn empathy for those around them. Affective questions help both sides to think about and express their experiences. When affective questions are implemented, the following questions are asked of the appropriate party, in sequence, and without interrupting the parties' opportunity to appropriately respond:

Affective questions for an individual who has caused conflict:

- What happened?
- What were you thinking of at the time?
- What have you thought about since?
- Who has been affected by what you have done? In what way have they been affected?
- What do you think you need to do to make things right?

Affective questions for an individual who has been affected by conflict:

- What did you think when you realized what had happened?
- What impact has this incident had on you and others?
- What has been the hardest thing for you?
- What do you think needs to happen to make things right?

**Impromptu Conference:** In order to enhance the learning and empathy-building opportunities of affective questions, those questions can be incorporated into a quick, impromptu conference where both those who have caused harm and those who have been affected have the opportunity to engage together in the affective questioning process, facilitated by an educator. During an impromptu conference, the parties are brought together and are asked to respectfully listen to the responses of another party as they review the affective questions. After both sides have finished responding to the affective questions, an opportunity should be presented for the parties, with the help of the facilitating educator, to identify a resolution or reasonable steps that can be taken to

repair any damaged relationships or other harm done. This resolution can be as simple as offering and accepting an apology.

**Classroom Circles:** Classroom circles are an education tool that can be incorporated into classroom instruction at any grade level. These meetings are an inclusive, proactive, and community-building approach to promoting the well-being of all students. During a classroom circle, students and educator(s) sit or stand in a circle so they can all view one another from a position of equality and as a symbol of community. Classroom circles can be used for a variety of purposes, such as for student to “check in” or “check out” at the beginning or end of class and share how they are feeling, what they are excited about, or what they experienced. Classroom circles can also be used to discuss classroom behavioral norms, academic goals, or current events. When well-integrated into a classroom environment, circles provide all students and educators a platform for respectful dialogue, promote empathy and respect for others and build community.

Regardless of whether classroom circles are built into a classroom’s regular instructional model, classroom circles are also an effective method for addressing a conflict that has impacted the greater classroom community. Conflict can impact a class in a variety of ways, possibly in the form a disruption that occurred in the classroom itself or as an outside-the-classroom conflict whose impact has carried over into the education setting. Regardless of the type of conflict, classroom circles may be utilized to provide the larger classroom community, both those who have caused harm, those who were directly affected by the harm, and those who were harmed indirectly, to respectfully share and listen to other share their feelings about the underlying causes, their reactions to the conflict, how they and others were impacted and expectations and processes for positive relationships to be reclaimed.

### **Other Behavioral Supports**

**Notice to or Conference with Parent/Guardian:** Parents/Guardians are an integral component of a student’s educational process. Educators should work to keep Parents and Guardians informed of how a student is performing educationally, behaviorally, and socially at school, so that the Parent/Guardian can better engage with the student at home, be aware of the student’s successes and difficulties, and be better informed about areas to target supports for the student at home or through community resources. The District strives to build positive relationships with Parents/Guardians on many levels, including involvement when a student is experiencing behavioral difficulties or successes at school.

Educators may relay information to Parents/Guardians informally on a regular basis as appropriate, but more formal methods might be appropriate where a student’s behaviors cause harm to others and educators feel parental support is warranted. Educators may choose to notify a Parent/Guardian in writing of concerns being exhibited by a student or, in order to more fully engage with a Parent/Guardian, may request that an informal conference be held to discuss the particular concern. The conference may be held in person or by phone and may include other members who are able to meaningfully add

to the conversation, such as other educators at the building, other family members, or community supports approved by the Parent/Guardian.

In addition, conferences may be utilized to celebrate student success, such as to notify the Parent/Guardian that a student has made significant improvements in the behavior, has performed well on their homework or has responded appropriately to previously-implemented supports.

**Removal for Educational Intervention:** In some cases, a student's behavior may become disruptive or disrespectful to the point that it causes significant harm to the classroom environment. At times, a teacher may determine that both the student and the classroom would benefit from the student being removed from the class for a certain number of days so that the student can receive Educational Interventions as identified by a building administrator. The administrator may assign the student to receive services in the schools Planning Center, but may also consider other behavioral supports for the student during that time.

Upon a student's return to their classroom after receiving an REI, educators should work with the student and others to repair harm caused, mend relationships and regain their position within the classroom community.

**Behavioral Contract:** Behavioral contracting is a method used to help students improve in behavior, schoolwork, and self-discipline. A behavioral contract is an agreement between a student and their peers, teachers, or other educators to do (or not to do) something. In a behavioral contract, the student's responsibilities are listed. The responsibilities of teacher(s) and/or administrator(s) might also be identified.

An incentive for the student to successfully complete the contract might also be provided. Incentives for behavioral contracts have to be agreed upon. An incentive is something that will encourage the student to satisfy the agreement. It can be a reward and/or a consequence provided by the school or parent, guardian or legal custodian. School incentives may include media center time, bonus points, token rewards, free movies or admission to a school event, etc. The parent, guardian, or legal custodian might provide incentives such as extra telephone or video game time, extended social hours on a weekend, attendance at a movie or a concert, etc. Some examples of consequences as incentives might be extra homework, detentions, loss of privileges at home, etc. The greatest incentive for students in behavioral contracting is often one that is almost never written: succeeding in school and gaining the respect that success brings.

The behavioral contract will be signed by the appropriate parties, which may include the parent, guardian or legal custodian, and the school and student will both keep a copy. A sample behavioral contract can be found in Appendix A.

**Positive Behavioral Interventions and Supports (PBIS):** The District implements PBIS on a system-wide basis consistent with the components set forth in the Ohio Board of

Education's policy on positive behavior interventions and supports. The District's policy and practices regarding the appropriate use of restraint and seclusion techniques are consistent with state law. Physical restraint and seclusion may not be used as a form of punishment or discipline, or as a substitute for other less restrictive means of assisting a student in regaining control. The District encourages family involvement as an integral part of its PBIS system. For more information, please review Board Policy JP, accessible at [ClevelandMetroSchools.org](http://ClevelandMetroSchools.org) under the "Board Policies" sidebar in the "Board" section.

**Referral for counseling, psychological services, or assessment:** Many factors may contribute to a student's difficulties in behavioral management and, at times, a student may need more supports than those that have previously been identified and implemented for the student. If a student continues to exhibit difficulties with their behaviors, it is possible that there are other factors at play that might need to be identified and addressed. Counseling services, psychological services, or testing to identify particular difficulties, trauma, and stressors for a student may help the District, Parent/Guardian, and Student identify better supports that can help a student to thrive as a member of the school community.

**Functional Behavior Assessment and Behavior Intervention Plan:** Many students benefit from having individualized plans to help them succeed both academically as well as behaviorally. A functional behavioral assessment is an assessment tool to identify a student's behaviors that have a negative impact on their education and the education of their peers. It may involve the collection of data regarding the particular student, interviews with individuals who are familiar with the student, such as the Parent/Guardian, teachers, and counselors. Eventually, a team might develop a Behavior Intervention Plan designed to support the student's behaviors through a series of interventions, such as modifications to the classroom environment, individualized teaching method, behavioral commitments by the student or appropriate consequences and/or rewards for future behavior.

**Class Meetings:** Class Meetings are a vehicle for classroom-level problem solving and decision making. These meetings are an inclusive, proactive and community-building approach to promoting the well-being of all scholars and for preventing and reducing negative outcomes for scholars. Class Meetings are facilitated by adults and scholars daily and last 20 minutes. Class Meetings may include planning and problem-solving activities, social and emotional skills development, development of study habits, college/career planning and individual support.

**Detention:** When a student's behavior causes harm in a way that demonstrates less-formal supports, alone, may not be sufficient to address and remedy the behavior, a teacher or building administrator might assign a student to serve a detention. During a detention, a student is assigned to report to a specific location within the building for an established period of time.

Time spent in a detention should serve a more meaningful purpose than simply being punitive in nature. During the detention, students are expected to engage in activities that are beneficial to their educational and behavioral successes and educators monitoring detentions are encouraged to support students in these pursuits. For example, a student might work on their homework during a detention period, or engage in the Affective Questions with the detention monitor. If a particular detention period has multiple assigned students, a Classroom Circle might be used to have students reflect on the various behaviors, harm and need for restored relationships that caused their detentions to be issued.

Upon a student's return to their classroom after serving a detention, educators should work with the student and other to repair harm caused, mend relationships and regain their position within the classroom community.

**Suspension:** A student's behavior that presents a clear danger of injury to the student, other students or school personnel, or prevents the orderly operation of classes or other school activities, may warrant the issuance of a suspension. Suspension is the removal of a student, following due process, from the regular school program by a building administrator for no longer than ten (10) school days. As suspension is one of the most serious penalties to address student behavior, it should be considered to address only the most serious infractions within each level of disciplinary classifications. Suspension is a serious step and should only be taken when all other alternatives have been explored at the school level.

If a building administrator elects to issue a suspension to a student, the suspension must be issued in accordance with the suspension procedures section of this Code of Conduct.

Upon a student's return to their classroom after serving a suspension, educators should work with the student and others to repair harm caused, mend relationships, and regain their position within the classroom community.

**Expulsion:** In the most significant circumstances, expulsions may be imposed when a student engages in conduct that causes so much harm that the District determines a student must be removed from school for greater than the ten (10) school days allowable via a suspension. Since expulsion is a severe punishment, it requires action by the CEO or their designee.

If the District elects to issue an expulsion to a student, the expulsion must be issued in accordance with the expulsion procedures section of this Code of Conduct.

Upon a student's return to their classroom after serving an expulsion, educators should work with the student and others to repair harm caused, mend relationships and regain their position within the classroom community.

**Financial Responsibility for Damage to District Property:** If a student engages in inappropriate behavior that results in damage to District property, the District may hold the student and/or their guardians financially responsible for the costs associated with such damage.

**Other Reasonable Consequences Aligned to a Student's Inappropriate Behavior:** In addition to the other corrective action items identified within this section, building administrators may require a student to engage in other reasonable consequences that are aligned to the student's inappropriate behavior and/or the harm caused by the student's actions.

### **Humanware / Social Emotional Learning (SEL) Supports**

Humanware/SEL is an important part of the District's strategic plan to address conditions for learning so that all students are academically and socially equipped to succeed. The conditions for learning include a safe, well-managed, respectful and supportive learning environment and opportunities for social emotional learning, a process whereby students and adults acquire knowledge, skills and dispositions related to five core competencies: self-awareness, self-management, social awareness, relationship-building and responsible decision-making.

Humanware/SEL provides opportunities for all students to acquire social and emotional competencies through evidence-based programs that teach students to recognize strengths and emotions; manage emotions and behaviors to achieve goals; show understanding and empathy toward others; form positive relationships; work in teams; deal effectively with conflict; and make ethical and constructive choices about personal and social issues. Humanware/SEL advocates best practices to ensure that all human resources in a student's school, family and community function together so that students are learning in safe, supportive and successful schools.

**Mediation / W.A.V.E. Mediation:** Mediation is a facilitated problem-solving method that allows two or more persons to identify conflicts and to develop a solution. Mediation is always a voluntary process. In mediation, the mediator acts as a neutral party, sets ground rules and facilitates the mediation process. Both parties relate their side of the story. The mediator then asks the parties to say what they think the problem is. Once the problem is agreed upon, the parties are asked to propose solutions. All possible solutions are considered. The parties are asked to reject those that will not work or are not practical. A written agreement is developed around agreeable items, and parties pledge to honor the agreement. Mediation may involve peers only, or it may involve adults and students. It is a way of sharing responsibility and eliminates obstacles to successful behavior.

A school administrator may utilize the services of community mediation services or school-based mediation programs. Training services are provided for District schools by the Winning Against Violent Environments (W.A.V.E.) Conflict Resolution Program. For more information, call 216.432.4605.

**Bullying Prevention:** The goal of bullying prevention is to decrease the prevalence of bullying and promote a safe, warm environment. This can be accomplished at the elementary, middle and high school levels through the use of a prevention model. We are integrating current Humanware/SEL tools that promote social skill building, self-control, critical thinking, decision making and the acceptance of differences. Not on Our Watch (N.O.W.) coordinators are encouraged in each building to support ongoing buildingwide bullying prevention programs and activities in schools.

**Planning Center:** Planning Centers managed by highly-trained paraprofessionals are located at each school. The goal of a Planning Center is to provide support and interventions for students, teachers, and families, while keeping students in school. The Planning Center promotes social and emotional learning in an individual or small group setting through evidence-based interventions. Assignments to the Planning Center are made by the building administrative team.

**Student Support Team:** The Student Support Team (SST) is a problem-solving group of school staff located at each site. The team's goal is to address students' problems, including academic, behavior and/or attendance, in a timely manner through evidence-based interventions. Students faced with frequent challenges should be referred to the SST so that a plan can be developed to support them. A referral to the SST is required for students found to have committed a Level 3 or Level 4 offense.

**Promoting Alternative Thinking Strategies (PATHS):** The PATHS curriculum is an evidence-based classroom curriculum model designed to facilitate the social and emotional development of students from PreK through Grade 5. The program provides skill building for students as well as teachers and has a strong parent component to encourage family involvement.

**Second Step Middle School Program:** The Second Step initiative is an evidence-based, classroom program designed to facilitate the social and emotional development of youth in grades 6, 7 and 8. The program provides skill building for students as well as teachers in the positive use of social and emotional learning abilities for everyday situations. The middle school program highlights Bully Prevention, Emotion Management, Goal Setting, Substance Abuse Prevention, Empathy and Communication in a way that is stimulating and thought-provoking. Strong problem solving skills are continually emphasized throughout the lessons by means of practical applications

**Rapid Response:** The District's Rapid Response Team addresses student concerns relating to their emotional and health needs. The CMSD Rapid Response desk is staffed by Rapid Response Coordinators who consult, manage and deploy resources to all schools and District sites as needed. Responders (school psychologists, counselors, nurses, county/city agencies, etc.) travel to the identified sites and provide stabilization, interventions and resources to de-escalate the reported crisis situation. The Rapid Response Team can be reached at 216.838.CARE.

## XVIII. STUDENT EMERGENCY REMOVAL

**Definition:** An emergency removal is the removal of a student from a situation in which that student's presence poses a continuing danger to persons or property, or an ongoing threat of disrupting the academic process in the classroom or elsewhere on the school premises. Emergency Removal is not a disciplinary tool and shall not be used as a substitute for suspension.

### Procedures

- a. The Academic Superintendent or principal may remove a student in grades PreK through 3 from curricular or extracurricular activities, or from the school premises, for the remainder of the school day on which the removal is issued. An emergency removal of a student in grades PreK through 3 may not extend to the following day.
- b. The Academic Superintendent or principal may remove a student in grades 4 or higher from curricular or extracurricular activities, or from the school premises, for a period up to three school days, inclusive of the day on which the removal is issued.
- c. If a student in grades 4 or higher receives an emergency removal, the student must be given notice and provided with a hearing, as defined in the section on Suspension Procedures, on the school day immediately following the day on which the Emergency Removal was assigned.
- d. If an Emergency Removal is assigned, the parent, guardian or legal custodian of the student will be contacted as soon as practicable. If the parent, guardian or legal custodian cannot be reached, the Division of Safety and Security will be contacted for assistance.
- e. Any student removed under this section must be given a written statement of the reason for removal. The Emergency Removal of Student form will be used for this purpose, with copies going to the parent, guardian or legal custodian and appropriate school personnel.
- f. A teacher may, without notice or hearing, remove a student from curricular or extracurricular activities under the teacher's supervision and direct the student to the school office with an appropriate, written referral. If requested by the principal, the office referral will later be supplemented by a more comprehensive written report from the teacher that must be submitted to the principal's office before the end of the school day or, in the case of an extracurricular activity, before noon on the following school day.
- g. If the Academic Superintendent or principal reinstates a student in a curricular or extracurricular activity under the teacher's supervision prior to a hearing following removal under this section, the teacher, upon request, shall be given a written statement for the reasons for such reinstatement.

## **XIX. STUDENT DISCIPLINE**

### **A. Record Keeping**

The District will retain records of efforts to support appropriate student behavior and to address behavior that fails to meet the District's expectations for its students. These records should include a student's name, the date of the incident, a description of the behavior being addressed, corrective action taken, responses of the student and parent, guardian or legal custodian, and any other relevant information. Documentation regarding any suspensions and/or expulsions issued to a student are also maintained. Administrators will review a student's record when identifying appropriate action steps to address a student's behavior. The information contained in a Student's record will be treated consistent with the privacy protections outlined in Section VII, Paragraph B of the Student Rights and Responsibilities.

### **B. Procedures and Due Process**

Due process provides a standardized set of procedures that protect students' and parents' rights during the resolution of disciplinary matters. Due process applies in all instances when the student is subject to the authority of the school. Some examples include athletic events, school dances and field trips. Students are under the authority of the school when traveling to and from school. The District's due process requirements include:

- having rules (The Student Code of Conduct) posted in the school and/or copies given to students;
- providing the student a written notice (Intent to Suspend) about the rules he/she is thought to have broken;
- providing an opportunity for a hearing at which the student learns why he/she may be suspended or expelled and at which time the student can explain his/her actions;
- providing the student with a written notice of suspension or expulsion; and
- providing a mechanism for student appeal of suspensions or expulsions.

Due process requirements are specified in Ohio Revised Code 3313.66.

### **C. Suspension**

Suspension is the removal of a student, following due process, from the regular school program by appropriate school building authorities for no longer than ten (10) school days.

Suspensions assigned to a student during one academic year will not carry over into a future academic year, in accordance with House Bill 410, signed into law on January 4, 2017. In such instances, students shall still be referred to the Student Support Team and receive other supports identified in Paragraph H of this section.

## **Guidelines**

Suspension is a serious step and should only be taken when all other alternatives have been explored at the school level. Such alternatives include those strategies identified in the Student Behavioral Supports section of these Student Rights and Responsibilities. The principal has the power to suspend a student when that student's behavior presents a clear danger of injury to the student, other students or school personnel or prevents the orderly operation of classes or other school activities.

- a. Students will not be suspended for Level 1 offenses unless the offense is chronic in nature.
- b. Students in grades 4 and higher who commit Level 2 offenses may be suspended for up to five (5) school days.
- c. Students in grades 4 and higher who commit Level 3 or Level 4 offenses may be suspended for up to ten (10) school days.
- d. Students in grades PreK through 3 may only be suspended for Level 4 infractions or as necessary to protect the immediate health and safety of the student, the student's fellow classmates, the classroom staff and teachers, or other school employees and only with appropriate notification and support documentation to the Academic Superintendent.
- e. Wherever possible, the principal shall consult with a mental health professional prior to suspending a student in grades PreK through 3. If a need for mental health services is indicated by the underlying conduct, the school shall assist the student's parents in locating mental health providers or services, without creating a financial burden for the District, which may include referral to an independent mental health professional.
- f. Only a principal, assistant principal, Academic Superintendent, or the CEO can suspend a student.
- g. The District maintains a strong preference for student discipline to be administered progressively. For example, if an administrator determines a suspension is warranted by a particular infraction, the administrator should first consider whether the conduct could be appropriately addressed by a suspension of minimal duration. Administrators may issue suspensions of greater length if they determine the violation was significantly more serious than the average infraction within the same level of offense, or if the student has been suspended previously for a similar offense. For the most

serious infractions, such as Level 4 infractions or assaults or threats directed towards staff members, a student may receive a 10-day suspension and expulsion consideration for a first offense.

- h. Schools may maintain optional classrooms that remove disruptive students from their regular classrooms but permit them to stay in the building and receive instructional time.

## **Procedures**

- a. Pre-Suspension Hearing: Suspension proceedings should begin with an informal hearing between the student and the principal or assistant principal. At this hearing, the student will be given written Notice of Intended Suspension, which spells out the specific charge(s) being made against the student. If the offense is one for which the District may seek expulsion, the notice shall contain that information. The student will be given an opportunity to respond to the reason for the intended suspension or otherwise explain his/her actions. If practical, particularly for students in grades K-8, parents, guardians, or legal custodians should be notified by phone before the hearing begins and be provided an opportunity to attend the hearing if their participation would not cause an unreasonable delay.

During the pre-suspension hearing, a Student should be afforded an opportunity to identify evidence in their defense or appropriate witnesses for the administrator to interview. Although a student should be offered an opportunity to submit a written statement describing their own recollection of the underlying incident(s), the student should be informed that they are not required to do so.

- b. Following the Pre-Suspension Hearing, the administrator will determine whether the student will be suspended and identify the appropriate duration of the suspension.
- c. A Suspension Notice will be given to the student at the time of suspension and a copy will be provided to the student's parent, guardian or legal custodian. The suspension notice will inform the student of the reason for the suspension, the length of the suspension, the date of the suspension hearing, the date the student is to return to school after the suspension, and procedures for appealing the suspension.
- d. No suspended student will be sent home before the end of the school day unless the school contacts the parent(s), guardian(s) or legal custodian(s). In the event a student is sent home before the end of the school day, the day will count as the first day of suspension in determining a student's suspension period.
- e. A suspended student is not permitted on District property or at District activities during the suspension. Special permission may be granted on a case by case basis where the student's presence is required for an educational compliance purpose and agreed upon by the building administrator, the student's teacher, and the building's CTU chapter chairperson.

- f. On a student's return to school following a suspension, the principal or assistant principal will make every effort to hold a conference in which his/her parent, guardian or legal custodian, guidance counselor/ school psychologist, and appropriate teachers will be present. The purpose of the conference is to help the student find ways to succeed in school and to understand his/her responsibilities as a student. A written summary of the conference will be maintained on file at the school.
- g. A student or parent, guardian or legal custodian who disagrees with the suspension may request an appeal hearing before a Board of Education appeals hearing officer, in writing, within fourteen (14) school days after receiving the suspension notice. Specific instructions on how to arrange for an Appeal Hearing will be included in the Suspension Notice.
- h. A student may be represented by an attorney or other counsel or advisor of his/her choice at the appeal hearing. The Board of Education appeals hearing officer must make a word-for-word record of the appeal hearing. The Board of Education must act on the appeal at a public meeting. The Board of Education may affirm the order of suspension, reinstate the student or reverse, vacate or modify the suspension order. The decision of the Board of Education may be appealed by the student or parent, guardian or legal custodian to the court system.
- i. The Board of Education may affirm the order of suspension, reinstate the student or otherwise reverse, vacate or modify the suspension order. The decision of the Board of Education may be appealed by the student or parent, guardian or legal custodian to the court system.
- j. The suspended student remains on the register of his/her school and will not be marked absent during the period of suspension. Appropriate notation of the suspension should be recorded in a manner that permits the record to be expunged, if necessary.
- k. Students may not be academically penalized during the suspension period. Even in the case of students who are suspended, every effort will be made to continue the student's educational process. The school is responsible for providing to the student all class work and homework. The student has the right and responsibility to complete all assignments and make up all tests missed during suspension.
- l. For any disciplinary action that causes a student with a disability to reach a cumulative total of more than ten days of suspension or expulsion in the same academic year, the building administrator must conduct a manifestation determination meeting with the IEP team within ten (10) days of the decision to suspend the student. All procedural safeguards regarding special education students must be followed. For more information, please contact the Division of Special Education at 216.838.7733.

## **D. Expulsion**

Expulsions may be imposed when a student engages in conduct that the District determines warrants removal from school for greater than the ten (10) school days allowable via a suspension. Since expulsion is a severe punishment, it requires action by the CEO or their designee.

Expulsions relating to Level 4 offenses may carry over from one academic year to the next, at the discretion of the CEO or designee.

Expulsions relating to Level 3 offenses will not carry over from one academic year to the next. In such instances, students shall still be referred to the Student Support Team and receive other supports identified in Paragraph H of this section.

### **Procedures**

- a. Students in grades 4 and higher who commit a Level 3 or Level 4 offense may be considered for an expulsion of up to eighty (80) school days, except that any student who commits a Level 4A offense (firearm offense) shall be considered for an expulsion of up to one hundred eighty (180) school days.
- b. Students in grades PreK through 3 who commit a Level 4 offense may be considered for an expulsion of up to eighty (80) school days, except that any student who commits a Level 4A offense (firearm offense) shall be considered for an expulsion of up to one hundred eighty (180) school days.
- c. A student considered for expulsion shall be referred to the Office of Student Hearings and Appeals with all necessary documentation to support the possible expulsion. This documentation should include a building administrator's assessment of the severity of the offense and any mitigating circumstances that should be considered at the expulsion hearing.
- d. Before a student is expelled from school, the CEO or designee shall give the student and his/her parent, guardian or legal custodian written notice of the intention to expel and the reasons for the intended expulsion. The notice shall include information on the right to have a hearing, the time and place of the hearing and the right to have a representative of the student's choice at the hearing. The representative may serve as counsel and need not be an attorney.
- e. The hearing shall not be earlier than three (3) nor later than five (5) school days after notice of intention to expel is given. The CEO or designee may grant an extension of time at the request of the student, parent, guardian or legal custodian, or his/her representative. If an extension of time is granted, the CEO or designee must inform the student or his/her parent, guardian or legal custodian of the new time and place to appear. At the hearing the student may challenge the reason(s) for the intended expulsion or otherwise explain his/her actions. Such information shall be given equal consideration.

- f. When determining whether to issue, or the appropriate duration of, any expulsion, the CEO or designee should consider, on a case-by-case basis, appropriate factors, including, but not limited to, a student's age, health, disability status, special education status, the perceived intentions of the student, mitigating circumstances, and available behavioral supports as alternatives to expulsion.
- g. If a student is expelled, the CEO shall notify the parent, guardian or legal custodian in writing within one (1) school day. This written notice shall include the reason for the expulsion and an explanation of procedures to appeal the expulsion. The CEO shall also include a listing of public and private agencies that offer assistance to improve the student's attitude and behaviors. Notification will go directly to the student in cases where the student has attained the age of eighteen (18).
- h. A student or his/her parent(s), guardian(s) or legal custodian(s) who disagree with the expulsion may request an appeal, in writing, within fourteen (14) school days after receiving the Notice of Expulsion.
- i. The student is entitled to the same representation at the appeal hearing as at the original hearing. The appeal hearing officer must make a word-for-word record of the appeal hearing, which may be an electronic recording.
- j. The Board of Education must act on the appeal at a public meeting. The Board of Education may uphold the expulsion, reinstate the student or modify the expulsion order. The decision of the Board of Education may be appealed by the student or parent, guardian or legal custodian to the court system.
- k. For any disciplinary action that causes a student with a disability to reach a cumulative total of more than ten (10) days of suspension or expulsion in the same academic year, the building administrator must conduct a manifestation determination meeting with the IEP team within ten (10) days of the decision to suspend the student. All procedural safeguards regarding special education students must be followed. For more information, please contact the Division of Special Education at 216.838.7733.
- l. Expelled students are withdrawn from the Cleveland Metropolitan School District. When the period of expulsion has ended, an expelled student may be re-enrolled only after a placement hearing at the Office of Student Hearings and Appeals. An appropriate school of assignment will be determined based upon the student's needs.
- m. Any student expelled from school as a result of weapons possession, intentional physical assault against school personnel or a meaningful threat of serious physical harm to school personnel or property will be prohibited from returning to his/her home school without the written agreement of both the Cleveland Teachers Union building chairperson and the principal. Students expelled for a serious physical assault against

another student at school may not be returned to their home school without the written agreement of the principal, the CTU building chairperson and school-based student conflict mediators where applicable.

### **E. Permanent Exclusion**

Only the CEO has the right to consider this decision for a student based on the severity of the offense and/or the number of prior offenses.

The board may seek permanent exclusion of a student sixteen (16) years of age or older who is either convicted in criminal court or adjudicated delinquent by a juvenile court of any of the following offenses that occur on school grounds or at a school function:

- a. Illegal conveyance or possession of a deadly weapon or dangerous ordinance, carrying a concealed weapon, aggravated trafficking, trafficking in drugs, trafficking involving the possession of a bulk amount of a controlled substance or the sale of a controlled substance; and/or
- b. Aggravated murder, murder, voluntary or involuntary manslaughter, felonious or aggravated assault, rape, gross sexual imposition or felonious sexual penetration, if the victim is a District employee. In addition, complicity in any of the above acts may be the basis for permanent exclusion.

### **F. Referral to Court**

Some conduct prohibited by the District's policy on student discipline is also prohibited by Ohio criminal law. The law requires the reporting of certain crimes to law enforcement officials. Therefore, violations of the District's Policy on Student Discipline may result in the student being referred to an appropriate court of law. This reporting may be undertaken in addition to disciplinary and/or corrective measures taken by school authorities.

### **G. Suspension, Expulsion and Permanent Exclusion from the School Bus**

Students who ride either District or RTA buses to and from school are expected to comply with the same rules that govern their behavior while they are in school.

Students whose conduct on a District or RTA bus does not meet the behavioral standards identified in this handbook may be disciplined in accordance with the procedures outlined in this handbook the same as if their conduct occurred within their school building.

In addition to the corrective actions and supports identified elsewhere in this handbook, Building Administrators have the legal authority, following required due process, for suspending students from a bus in cases of bus-related misbehavior.

The total duration of any bus suspension will not exceed the number of days stipulated in this student handbook for the underlying offense. Since suspension from the bus does not interfere with the student's ability to attend classes, it is not necessary to issue a regular suspension notice. However, the student's parent, guardian or legal custodian shall be notified immediately of a pending bus suspension.

The CEO may expel a student from the bus in accordance with the procedures outlined in this student handbook.

In cases involving a student with a disability that prevents them from attending school without school bus transportation, corrective action in the form of a bus suspension or expulsion should only be used as a last resort. In the event a bus suspension is necessary in such an instance, the District will be responsible for providing another form of transportation to the student during the course of the bus suspension.

Any high school student found by any judicial system to have committed two or more nonviolent crimes (including, but not limited to, theft, criminal damaging, disorderly conduct, or menacing) related to conduct occurring on an RTA vehicle or at an RTA facility or stop may, at the discretion of the CEO or his/her designee, forfeit their privilege to receive RTA transportation or payment for a period of one year.

Any high school student found by a judicial system to have committed any violent crime (including, but not limited to, assault, robbery, any sex crime, arson, possession of a dangerous ordinance, or possession of any weapon prohibited by Cleveland Codified Ordinance Section 62711) related to conduct occurring on an RTA vehicle or at an RTA facility or stop will forfeit their privilege to receive RTA transportation or payment for a period of one year.

Any high school student found by a judicial system to have committed any violent or nonviolent crime related to conduct occurring on an RTA vehicle or at an RTA facility or stop after a one year forfeiture and reinstatement of RTA transportation privileges will permanently forfeit his or her privilege to receive RTA transportation or payment.

Students who forfeit their RTA transportation privilege pursuant to this policy will not be provided any other means of transportation by the District, except that students who require transportation services pursuant to an individualized education program or 504 plan will be provided alternative transportation services by the District.

Students suspended, expelled, or permanently excluded from the bus will be expected to attend school during the period of bus suspension. Unexcused absences during the period of suspension from the bus will be subject to academic penalty as provided by District policy and regulations and will be considered Level 1 offenses.

## **H. Specific Violations**

The District has identified four levels of offenses.

For purposes of this student handbook, the term "school" refers to all instances when the student is under the authority of his/her school or the authority of the Cleveland Metropolitan School District; the term "property" refers not only to District-owned and operated property

but also to any property, public or private, which may be damaged during the period when the student is subject to the authority of the District.

Students are considered to be subject to the authority of the District when they are at school-related or school-sponsored events even though those activities may not take place at an actual school or on District-owned and operated property. Some examples include athletic meets and games, field trips, contests and concerts, as well as on school buses or other transportation provided by the District. Misbehaviors that occur at such events will be subject to the same penalties as misbehaviors that occur in school and/or on District-owned and operated property, including but not limited to, penalties of suspension and expulsion. Additionally, the District's suspension and expulsion policies apply to misbehavior directed at District officials and employees, regardless of where it occurs. Students are also subject to the authority of the District when traveling to and from school.

The four levels of behavioral infractions are:

### **Level 1 Infractions**

- 1A. Possession or use of tobacco products or substitutes at school\*\*
- 1B. Failing to attend school or class on time
- 1C. Failing to attend all assigned classes
- 1D. Deceptively submitting another's work, writing or ideas as one's own school work
- 1E. Falsifying another person's signature
- 1F. Cheating on examinations
- 1G. Distributing materials on school property that disturb the educational process

\*Repeated or chronic occurrence of Level 1 offenses may result in suspension as a Level 2A offense.

\*\* Ohio law prohibits a minor to use, consume, or possess tobacco products. It is also prohibited for a minor to assist, pay for or share in the costs of such products. The District will cooperate with local police and juvenile court personnel as required. Under Ohio law, an offense may result in a court imposing up to twenty (20) hours of community service.

### **Level 2 Infractions**

- 2A. As defined by the Principal, chronic violation of Level 1 offenses
- 2B. Leaving school without permission
- 2C. Engaging in or causing a disruption on a school bus
- 2D. Threatening to harm another person or intentionally causing them to fear for their personal safety
- 2E. Possessing alcohol on school property
- 2F. Coming to school under the influence of drugs or alcohol or causing an administrator to believe the student is under the influence of drugs or alcohol
- 2G. Intentionally causing or participating in a classroom or school disruption

- 2H. Using abusive or profane language
- 2I. Failing to adhere to school culture or directives of school personnel
- 2J. Fighting, hitting, or pushing another student
- 2K. Gambling on school premises
- 2L. Trespassing, entering a school to which the student is not assigned without signing in at the office, entering a school from which the student is suspended without permission from the Principal, or bringing an unauthorized visitor to the school
- 2M. Participating in hazing activities
- 2N. Displaying excessive mutual affection
- 2O. Creating a condition that is unsafe to others
- 2P. Repeated violations of the school uniform and dress code policy
- 2Q. Repeated violations of the cell phone and electronic device policy

### **Level 3 Infractions**

- 3A. Using or bringing a weapon\*, dangerous instrument\*\*, or object indistinguishable from a firearm\*\*\* to any property owned or controlled by the District or any school program or activity
- 3B. Verbally or physically threatening to injure or harm a school staff member or student
- 3C. Causing or attempting to cause physical injury to another person
- 3D. Sexually assaulting another person (as specified in ORC 2907.01)
- 3E. Sexual conduct (with or without consent), including all forms of sexual harassment
- 3F. Hate crimes
- 3G. Possessing, using, or distributing drugs, counterfeit drugs, or drug paraphernalia
- 3H. Burning or attempting to burn property
- 3I. Stealing, attempting to steal, or possessing stolen property
- 3J. Stealing or attempting to steal any motor vehicle from school property
- 3K. Damaging or attempting to damage property
- 3L. Forcibly entering a school building, locker, room, or secured enclosure
- 3M. Extorting or attempting to extort money or property
- 3N. Causing a fire alarm to be falsely sounded
- 3O. Acting in concert with another or others to harm a lone individual
- 3P. Bullying
- 3Q. Falsely communicating a threat of a significant school emergency or occurrence in order to induce panic

\*A weapon is anything that is commonly used or designed to hurt someone or to put someone in fear (examples: knuckles, clubs, mace / pepper spray, etc.).

\*\*A dangerous instrument is anything that, although not specifically designed to hurt someone, can be used to hurt someone or put someone in fear (examples: belts, combs, compasses, etc.) Any object which closely resembles a weapon and could put persons in fear for their safety is included in this category.

\*\*\* An object indistinguishable from a firearm means any object made, constructed, or altered so that, to a reasonable person without specialized training in firearms, the object appears to be a firearm, whether or not the object is capable of being fired.

#### **Level 4 Infractions**

- 4A. Bringing a firearm\* to or possessing a firearm at any property owned or controlled by the District or any school program or activity
- 4B. Bringing a knife capable of causing serious injury\*\* to or possessing a knife capable of causing serious injury at any property owned or controlled by the District or any school program or activity
- 4C. Commission of an act that is a criminal offense when committed by an adult that results in serious physical harm to persons or property\*\*\*
- 4D. Making a bomb threat regarding a school building or any premise at which a school activity is occurring at the time of the threat

\*A firearm is any weapon (including a starter gun) which 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 destructive device (as defined in 18 U.S.C.A. Section 921), which includes any explosive, incendiary or poisonous gas, bomb, grenade, rocket having an explosive or incendiary charge of more than one-quarter ounce, mine or device similar to any of the devices described above.

\*\*A knife is defined as a cutting instrument having a sharp blade.

\*\*\*For purposes of a Level 4C violation, the Ohio Revised Code defines serious physical harm to persons or property in O.R.C. 2901.01(A)(5-6).

## **XX. GRIEVANCE PROCESS**

**Step 1:** Any student (assisted by parent/guardian/legal custodian) with a complaint not resolved by informal conferences may communicate in writing this concern to the Principal or the Principal's designee within ten (10) days of the incident.

**Step 2:** If the principal or designee is unable to resolve the complaint to the student's satisfaction within ten (10) days after the request, the student (assisted by a parent, guardian or legal custodian) may submit a letter of grievance to the Academic Superintendent who will respond within ten (10) days.

**Step 3:** If the Academic Superintendent is unable to resolve the complaint to the student's satisfaction within ten (10) days of the request, the student (assisted by a parent, guardian or legal custodian) may telephone the Ombudsman's Office.

The Ombudsman's Office is designed to assist parents, students and members of the broader community in resolving conflicts and complaints not resolved at the school level. The office should be consulted for direction on school policies and practices, and for an explanation of grievance, due process and appeals procedures. Contact the Ombudsman's Office at 216.838.0090.

Please note that a student who is eighteen (18) years of age or older may utilize the grievance process in his/her own right.

## XXI STUDENT WORK PERMITS

**Q: Who must apply for a WORK PERMIT?**

A: All residents of the city of Cleveland ages 14-17 who have first been hired by an employer.

**Q: Are students required to obtain a WORK PERMIT for SUMMER EMPLOYMENT?**

A: Student job applicants who are age 14 or 15 are required to obtain a work permit in all instances. WORK PERMITS ARE NOT REQUIRED OF 16- OR 17-YEAR-OLD STUDENTS DURING THE SUMMER VACATION PERIOD. The parent/guardian's written consent, plus the minor's proof of age, is to be kept on file by the employer during the summer vacation period.

**Q: How do I obtain a Work Permit?**

A: Applications may be obtained from the Office of Student Hearings and Appeals, the current school of attendance or online at <https://apps.com.ohio.gov/dico/minorworkpermit/>

### **Application for Employer Certificate**

The student must complete the Student/Applicant Information section. The student applicant must show proof of age. Examples include: birth certificate, baptismal certificate, state ID, driver license or temporary driver's permit. The student's parent/guardian must sign the application.

### **Pledge of Employer**

The Pledge of Employer section must be completed and signed by the manager/employer. The employer's Tax I.D. section is mandatory. Work permit certificates cannot be issued without the Tax I.D. number.

### **Physician's Certificate**

The physical exam report must include an exam, the student's height and weight, blood pressure and pulse rate. The certificate must include the physician's signature and/or stamp. The student must have obtained this examination within the last twelve (12) months.

**Contact the Work Permit Office at 216.838.0323 for assistance.**

# Appendix A

## Behavioral Contract

CLEVELAND METROPOLITAN SCHOOL DISTRICT

The following contract between \_\_\_\_\_ and \_\_\_\_\_  
is designed to help \_\_\_\_\_ get along with and enjoy peers and  
to develop behaviors that will help be more successful in school.

### STATEMENT OF STUDENT RESPONSIBILITIES

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_

### STATEMENT OF TEACHER RESPONSIBILITIES

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

### STATEMENT OF ADMINISTRATOR RESPONSIBILITIES

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

### AGREEMENT

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### SIGNATURES

Student \_\_\_\_\_ Teacher \_\_\_\_\_

Administrator \_\_\_\_\_ Date \_\_\_\_\_

Parent \_\_\_\_\_

## Appendix B

### Sexual Harassment, Harassment and/or Discrimination Complaint Form

Date of Report \_\_\_\_\_

Complainant Name \_\_\_\_\_

Home Address \_\_\_\_\_

Phone Number \_\_\_\_\_

Título/Cargo or Grade \_\_\_\_\_ Building \_\_\_\_\_

Date and Time of Alleged Violation \_\_\_\_\_

Location of Alleged Violation \_\_\_\_\_

Name of Alleged Offender \_\_\_\_\_

Título/Cargo or Grade \_\_\_\_\_ Building \_\_\_\_\_

If the alleged violation was directed toward another individual, identify that individual:

\_\_\_\_\_

Type of Alleged Violation (circle at least one):

Sexual Harassment

Discriminatory Harassment

Discrimination

If Discriminatory Harassment or Discrimination on the basis of which protected classification is the violation alleged to have occurred? (circle at least one):

Race

Sex

Ethnicity

Citizenship Status

Color

National Origin

Religion

Age

Sexual Orientation

Gender Identity or Expression

Genetic Information

Military Status

Disability

Other Characteristic Protected by Law (specify) \_\_\_\_\_

Description of the Incident(s) (attach additional pages, if necessary) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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Name of Witnesses, if any, and Description of Involvement \_\_\_\_\_

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Your Reaction \_\_\_\_\_

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This complaint is based upon my honest belief that the above-alleged offender has sexually harassed, discriminately harassed, or discriminated against me or another person. I hereby certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge.

Signature of Complainant \_\_\_\_\_ Date \_\_\_\_\_

Please Submit Completed Form to:

Director of Equal Employment Opportunity / Title IX Coordinator  
1111 Superior Avenue East, Suite 1800  
Cleveland, Ohio 44114  
TitleIX\_EEO@ClevelandMetroSchools.org  
Phone: 216.838.0070

## **Appendix C**

### **Directory information opt-out**

Directory Information includes student's name, address, telephone number(s), date and place of birth, participation in officially recognized activities and sports, achievement awards or honors, student's weight and height if a member of an athletic team, major field of study, dates of attendance and date of graduation. Directory information can be released to anyone without a parent's written consent unless this form is completed and returned. Parents, guardians and adult students have the right to prevent the disclosure of directory information, except as otherwise provided by the Notification of Rights under FERPA for Elementary and Secondary Schools contained in section VII of this booklet.

CHOOSE ONLY ONE FROM THE TWO OPTIONS BELOW IF YOU OPT-OUT OF DISCLOSURE

If you DO NOT wish to have Directory Information about your child released, check the box below and return this form to your child's school (school will forward to Law Department):

I DO NOT want Directory Information about my child released to anyone without my written consent. I acknowledge that this will prevent the automatic release of Directory Information to college, military or scholarship institutions.

MILITARY RECRUITERS. If you DO NOT wish to have Directory Information about your child released to military recruiters, but you do consent to release to all other requesters, check the box below and return this form to your child's school (school will forward to Law Department):

I DO NOT want Directory Information about my child released to anyone without my written consent. I acknowledge that this will prevent the automatic release of Directory Information to college, military or scholarship institutions.

Please write legibly and return this form to your child's school secretary.

Student Name \_\_\_\_\_

Grade \_\_\_\_\_ Student ID Number \_\_\_\_\_

School \_\_\_\_\_

Home Address \_\_\_\_\_

Phone Number \_\_\_\_\_

\_\_\_\_\_  
Parent/Guardian/Legal Custodian Signature

\_\_\_\_\_  
Parent/Guardian/Legal Custodian Print Name

\_\_\_\_\_  
Date

## LEGAL REFERENCES

### Ohio Revised Code

2151.421 .....	Child Abuse Reporting
2151.011 .....	Habitual and Chronic Truancy
2907.01.....	Sex Offenses
3109.09 .....	Damages Recoverable Against Parent of a Minor
3313.20 .....	Authority of the Board of Education, Visits to School
3321.01.....	Compulsory School Age
3313.64.....	Free Schooling for Residents
3313.66.....	Suspension, Expulsion, Emergency Removal, Permanent Exclusion, Community Service
3313.751 (C)/2151.87 .....	Tobacco
3319.41 .....	Corporal Punishment
3321.38/3321.04 .....	Compulsory Attendance
3719.01.....	Controlled Substances
3313.666.....	Harassment and Bullying
3313.671 .....	Immunization

### City of Cleveland Ordinance

605.14.....	Minor Curfew
605.143 – 605.141.....	Parental Duties
62710.....	Possessing Certain Weapons at or about Public Places

### Federal Law

Americans with Disabilities Act
Civil Rights Act of 1964
FERPA - Family Educational Rights and Privacy Act
HIPAA - Health Insurance Portability and Accountability
Rehabilitation Act of 1973 (Section 504)
Title IX of the Education Amendments of 1972

### NOTICE TO LIMITED ENGLISH PROFICIENCY PARENTS

The Cleveland Metropolitan School District has free language assistance available for Limited English Proficiency (“LEP”) parents with respect to school programs and activities. To be eligible for assistance, a parent does not have to be of limited English proficiency in speaking, reading, writing and comprehending English in order to be considered LEP, but, rather, that it is only necessary that a parent be limited in at least one (1) of these areas in order to be eligible to receive language assistance as needed. The Cleveland Metropolitan School District will accept a parent’s assertion that he or she needs language assistance without requiring additional corroboration.

Principal or School Leader \_\_\_\_\_

Phone \_\_\_\_\_

Eric S. Gordon  
Chief Executive Officer

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1111 Superior Avenue E, Suite 1800, Cleveland, OH 44114  
216.838.0000 - [ClevelandMetroSchools.org](http://ClevelandMetroSchools.org)