



2022/2023
Student Handbook

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Disclaimer: Parent-Student Handbook is based on policies accepted by the Board of Directors. Those Board Policies are incorporated by reference into the provisions of this Handbook. The Policies are periodically updated in response to changes in the law and other circumstances. Therefore, there may have been changes to the policies provided in this Handbook since it was printed and disseminated in July 2022. If anything in this Parent-Student Handbook conflicts with a Board Policy, the Board Policy shall supersede the Parent-Student Handbook. If you have questions or would like more information about a specific policy or document, contact the School principal.

Welcome to Lorain Bilingual Academy. Our staff is pleased to have you here as a student and as a supportive parent. We will do our best to help you, and make your experience here productive and successful.

This **Parent-Student Handbook** contains pertinent information, rules and regulations, hence, it is important that **every** parent and student read and become familiar with its contents. This handbook is developed so we can have a safe and organized program, fostering an understanding between students, parents, staff and all the stakeholders at Lorain Bilingual Academy.

The administration and staff appreciate your support and we hope that your child's school year will not only be educational, but enjoyable.

The Board of Trustees of Lorain Bilingual Academy encourages students, staff, and parents, to review this document as well as submit proposed modifications to the HEAD OF SCHOOL's office no later than March 1 of each school year. The HEAD OF SCHOOL will then compile all such recommendations and, consider them in the review process of the Parent-Student Handbook. The Academy Board also invites all parents to attend their monthly meetings which are open to the public. Dates and times to be announced.

If at any time during the school year you have questions, suggestions, or concerns, please do not hesitate to contact Lorain Bilingual Academy.

Lorain Bilingual Academy and parents are a working partnership, providing your child(ren) with the best educational opportunities possible.

Please sign and return the Acknowledgement page at the back of this document and return it to school with your child. Your signature on the returned form will let us know that you have received and read the handbook. Thank you for your cooperation in advance.

SaferOH

The Safer Ohio School Tip Line is a free safety resource available to all Ohio schools. The tip line is an anonymous reporting system that accepts both calls and texts 24 hours a day.

The tip line allows students and adults to anonymously share information with school officials and law enforcement about threats to student safety--whether that involves a threatened mass incident or harm to a single student.

Calls and texts are accepted 24 hours a day at 844-SaferOH or (844) 723-3764.

Things to report to the tip line include (but are not limited to):

- *Bullying incidents;
- *Withdrawn student behaviors;
- *Verbal or written threats observed toward students, faculty or schools;
- *Weapon/suspicious devices on or near school grounds;
- *Gang related activities;
- *Unusual/suspicious behavior of students or staff;
- *Self-harm or suicidal sentiments; and
- *Any other school safety related concerns.

FOREWORD

This student handbook was developed to answer many of the commonly asked questions that you and your parents may have during the school year. Because the handbook also contains information about student rights and responsibilities, each student is responsible for knowing its contents. Please take time to become familiar with the following information and keep the handbook available for your and your parents' use. It can be a valuable reference during the school year and a means to avoid confusion and misunderstanding when questions arise. Should you have any questions that are not addressed in this handbook contact your Chief Administrative Officer (HEAD OF SCHOOL).

This handbook supersedes all prior handbooks and other written or oral statements regarding any item in this handbook. This handbook should not be construed to accord any rights or privileges to students or families beyond those accorded by state a federal law. This handbook may be revised at any time, with or without notice.

MISSION OF THE LORAIN BILINGUAL ACADEMY

Lorain Bilingual Academy is committed to providing a safe, nurturing environment where our students develop positive self-esteem, leadership skills, multi-cultural awareness, community involvement, and a love for life-long learning while striving to achieve academic excellence.

EXPECT SUCCESS!!

EQUAL EDUCATION OPPORTUNITY

It is the policy of this LBA to provide equal educational opportunities for all students.

Any person who believes that Lorain Bilingual Academy or any staff person has discriminated against a student based on race, color, creed, age, disability, religion, gender, ancestry, national origin, or other protected characteristics, or social or economic background, has the right to file a complaint. A formal complaint can be made in writing to the Chief Administrative Officer.

The complaint will be investigated and a response, in writing, will be given to the concerned person within 30 days. Under no circumstances will Lorain Bilingual Academy threaten or retaliate against anyone who raises or files a complaint.

SCHOOL DAY

The school day is 7:50 a.m. to 2:50 p.m.

TESTING AND COMPULSORY ATTENDANCE

Lorain Bilingual Academy is a community school established under Chapter 3314 of the Ohio Revised Code. Lorain Bilingual Academy is a public school and students enrolled in and attending LBA are required to take achievement tests and other examinations prescribed by law. In addition, there may be other requirements for students at LBA that are prescribed by law. Students who have been excused from the compulsory attendance law for home education as defined in the Administrative Code shall no longer be excused for that purpose upon their enrollment in a community school. For more information about this matter contact the HEAD OF SCHOOL or the Ohio Department of Education.

STUDENT RIGHTS AND RESPONSIBILITIES

The rules and procedures of Lorain Bilingual Academy are designed to allow each student to obtain a safe, orderly, and appropriate education. **STUDENTS ARE EXPECTED TO FOLLOW TEACHERS' DIRECTIONS AND OBEY ALL THE LBA' RULES.** Disciplinary procedures are designed to ensure fairness before a student is removed from curricular activities because of his/her behavior. Students may be removed from extracurricular activities at the discretion of the Academy' HEAD OF SCHOOL or of the person responsible for directing, supervising or coaching the activity.

Students in Lorain Bilingual Academy system have the responsibility to act in such a way as not to interfere with the rights of others to the same educational opportunity. **BY ACCEPTING THE RIGHT TO PARTICIPATE IN ACADEMY PROGRAMS ON OR OFF ACADEMY PROPERTY, STUDENTS SHALL ACCEPT THE RESPONSIBILITY TO CONDUCT THEMSELVES ACCORDING TO THE RULES AND REGULATIONS AND PROVISIONS GOVERNING THE OPERATION OF THESE PROGRAMS.** The ideal of any educational experience is for the students to become self-disciplined.

Lorain Bilingual Academy' HEAD OF SCHOOL is responsible for establishing and enforcing procedures necessary to ensure that student rights are preserved and that accompanying responsibilities are carried out. Students may forfeit certain rights when it can be demonstrated that they are not assuming or showing responsibility. There is a right of appeal by students who believe their rights have been violated. An appeal process for suspension and expulsion is outlined in the appropriate section of the guidelines. It should be noted that Lorain Bilingual Academy HEAD OF SCHOOL will use discretionary judgment in taking disciplinary action.

Parents have the right to know how their child is succeeding in Lorain Bilingual Academy and will be provided information on a regular basis, as needed when concerns arise. Many times, it will be the student's responsibility to deliver that information. If necessary, the mail or hand delivery may be used to ensure contact. Parents are encouraged to build a two-way link with their child's teachers and support staff by informing the staff of suggestions or concerns that may help their child better accomplish his/her educational goals.

The staff expects students to arrive at Lorain Bilingual Academy prepared to learn. It is the student's responsibility to arrive on time and be prepared to participate in the educational program.

STUDENT WELL-BEING

Student safety is the responsibility of the staff. All staff members are familiar with emergency procedures such as fire and tornado drills as well as accident reporting procedures. Should a student be aware of any dangerous situation or accident, she/he must notify any staff person immediately.

Lorain Bilingual Academy requires that all students must have an accurate emergency medical form completed, signed by a parent or guardian, and filed in Lorain Bilingual Academy's office. A student may be excluded from Lorain Bilingual Academy until this requirement has been fulfilled.

Parents of students with specific health care needs **MUST** submit those needs, in writing and with proper documentation by a physician, to Lorain Bilingual Academy's office. The Lorain Bilingual Academy retains the discretion to reject requests for administration of medicine. (See Use of Medication section) Lorain Bilingual Academy will permit a student to possess and use an asthma inhaler upon compliance with Lorain Bilingual

Academy's medication policy. Video cameras and other monitoring equipment may be in use at LBA to help assure the safety of students, staff and visitors.

SECTION I – GENERAL INFORMATION

ENROLLING IN THE ACADEMY

Students that are new to Lorain Bilingual Academy are required to enroll with their parent/guardian. To enroll your child, parents are required to bring the following:

- A Birth Certificate or other certification permitted by state law
- Proof of Residency
- Proof of Immunization
- Child's Social Security Card
- Custody papers from the court, when appropriate
- Emergency Medical Authorization Form
- Last Report Card, when appropriate
- IEP, when appropriate

In some cases, a temporary enrollment may be permitted. If temporary enrollment is granted, the parents will be told what records are needed to make the enrollment complete, as well as the date by which such records must be provided.

Admission to Lorain Bilingual Academy is open to any individual who, as of August 1 or September 30, is entitled to attend Lorain Bilingual Academy in the State of Ohio pursuant to Section 3313.64 or 3313.65 of the Ohio Revised Code, with enrollment being open to all Ohio residents.

There will be no discrimination in the admission of students to Lorain Bilingual Academy based on race, creed, color, disability, or sex. Upon the admission of any student with disabilities, Lorain Bilingual Academy will comply with all federal and state laws regarding the student's education. Lorain Bilingual Academy will not limit admission to students on the basis of intellectual ability, measures of achievement or aptitude, or athletic ability. Lorain Bilingual Academy will admit the number of students that does not exceed the capacity of Lorain Bilingual Academy' programs, classes, grade levels, and facility. If the number of applicants exceeds the capacity restrictions of Lorain Bilingual Preparatory Academy, students shall be admitted by lot from all those submitting applications, except preference shall be given to students attending Lorain Bilingual Academy the previous year. Preference may be given to siblings of students attending this LBA the previous year.

SCHEDULING AND ASSIGNMENT

The HEAD OF SCHOOL will assign each student to the appropriate classroom and program based on the student's academic readiness. Any questions or concerns about assignment should be discussed with the HEAD OF SCHOOL.

EARLY DISMISSAL

No student will be allowed to leave Lorain Bilingual Academy prior to dismissal time without a parent coming to the LBA office to request the release and sign the child out. No student will be released to a person other than a custodial parent(s) (or name listed on emergency form) without a permission note signed by the custodial parent(s).

TRANSFER OUT OF THE ACADEMY

If planning to transfer from Lorain Bilingual Academy, the parent must notify Lorain Bilingual Academy. Transfer of educational records will be authorized only after the parent has completed the withdrawal form, returned all LBA materials, and paid any fees or fines that are due. LBA's records may not be released if the transfer is not properly completed. Parents are encouraged to contact Lorain Bilingual Academy' Office for specific details.

IMMUNIZATION

Each student must have the immunizations required by law or have an authorized waiver. Waivers are issued consistent with state law, and may include parent or guardian objection to an immunization for good cause, including religious conviction, or upon certification by a physician that immunization against any disease is medical contra indicated. If a student does not have the necessary immunization or waiver, the HEAD OF SCHOOL may remove the student from Lorain Bilingual Academy and require compliance within fourteen days of enrollment. This requirement is for the safety of all students and in accordance with State Law. Any questions about immunization or wavier should be directed to Lorain Bilingual Academy's Office.

INJURY AND ILLNESS

All parents are required to supply a valid Address, Telephone Number and Health Information for emergency procedures if a child becomes ill. This information helps Lorain Bilingual Academy decide what to do when a child becomes sick or has an accident while in school.

Parents are required to keep this information up to date, especially telephone numbers for home and work. The HEAD OF SCHOOL may remove the student from Lorain Bilingual Academy and require compliance within fourteen days.

Enrollment-Emergency forms are provided at the beginning of each school year. **PARENTS ARE REQUIRED TO CONTACT LORAIN BILINGUAL ACADEMY WHEN ANY OF THE INFORMATION ON THE EMERGENCY FORM CHANGES.**

All injuries must be reported to a teacher, aide or the office. If the injury is minor, the student will be treated and returned to class. If medical attention is required, the office will attempt to contact the parent. If the parent cannot be contacted, emergency numbers will be used.

A student who becomes ill during the school day should request permission from his/her teacher or aide to go to the office. The office will determine whether the student will remain in school. No student will be released from school without proper parental permission.

USE OF MEDICATIONS

Lorain Bilingual Academy' policy allows medication to be administered by the HEAD OF SCHOOL or his/her designee under the following conditions:

1. **PARENTS MUST HAVE A MEDICATION PERMISSION FORM COMPLETED TO ADMINISTER MEDICATION. DOCTOR'S INSTRUCTIONS INCLUDING STUDENT'S NAME AND ADDRESS, NAME OF MEDICATION, DOSAGE, DATE AND TIME OF**

ADMINISTRATION, POSSIBLE SIDE EFFECTS, ANY SPECIAL INSTRUCTIONS AND DOCTOR'S SIGNATURE ARE NEEDED TO COMPLETE THIS FORM. This form must be dated and signed by the student's parent/guardian. It will be the student's responsibility to report to the office at the proper time for medication.

2. New medical request forms must be submitted each school year and as necessary for changes in medication orders.
3. Medication must be in ORIGINAL CONTAINER and have affixed label including the Student's Name, Name of Medication, Dosage, Route of Medication, and Time of Administration.
4. It is REQUIRED that the medication and the signed permission forms BE BROUGHT TO LORAIN BILINGUAL ACADEMY BY THE PARENT/GUARDIAN.
5. Non-prescription medications, such as, Tylenol, cold remedies, etc. will be treated as prescription medication as in #1 above. Parents may, at their choice, come to Lorain Bilingual Academy and administer medication to their child. Cough Drops may be allowed with written parental permission at the discretion of the HEAD OF SCHOOL.
6. Students are NOT permitted to keep medication of ANY KIND on their person, in their lunch boxes, or in their desks unless prior permission has been given as outlined in #7.
7. **If the student is authorized by his/her physician and the written approval of the parent or guardian to carry a new asthma rescue inhaler and self-medicate, all the steps 1-3 will be required.** The physician's written approval shall also include instructions that outline procedures that LBA Academy personnel should follow. In the event the asthma medication does not produce the expected relief from the student's asthma attack, including the identification of any severe adverse reactions that may occur to the child using the inhaler, it should be reported to the physician. At least one emergency telephone number for contacting the physician in an emergency, and at least one emergency telephone number for contacting the parent or guardian in an emergency, and any other special instruction from the physician, should be provided to LBA.
8. If a student shows unsafe or irresponsible behavior, the right to self-medicate may be revoked.

Lorain Bilingual Academy retains the discretion to reject requests for administration of medicine.

CONTROL OF CASUAL-CONTACT COMMUNICABLE DISEASES AND PESTS

Because Lorain Bilingual Academy has a high concentration of people, it is necessary to take certain precautions when the health and/or safety of the group are at risk. Lorain Bilingual Academy's professional staff has the authority to remove or isolate and mask any student who has been ill, has an undiagnosed rash or has been exposed to a communicable disease or highly transient pest, such as lice.

Specific diseases include: diphtheria, scarlet fever, ringworm, strep infection, whooping cough, mumps, measles, rubella, pink eye, impetigo and other conditions indicated by Local and State Health Departments.

If a child contracts a Communicable Disease, Lorain Bilingual Academy Administration should be notified as to the nature of the illness and the student shall not return to Lorain Bilingual Academy until a Physician gives him/her written permission to do so, as to protect all the students at LBA.

Any removal will only be for the contagious period as specified in the Lorain Bilingual Academy's administrative guidelines.

CONTROL OF NONCASUAL-CONTACT COMMUNICABLE DISEASES

In the case of non-casual contact communicable diseases, Lorain Bilingual Academy still has the obligation to protect the safety of the staff and students. In these cases, the person in question will have his/her status reviewed by a panel of resource people, including the applicable Board of Health, to ensure that the rights of the person affected and those in contact with that person are respected. Lorain Bilingual Academy will seek to keep students and staff persons in Lorain Bilingual Academy unless there is definitive evidence to warrant exclusion.

Non-casual contact communicable diseases include sexually transmitted infections, AIDS (Acquired Immune Deficiency Syndrome), AIDS Related Complex, HIV (Human-immunodeficiency), Hepatitis B, and other diseases that may be specified by state law, or applicable regulation.

Parents will be requested to give consent to have their child's blood checked for HIV, HBV, and other blood-borne pathogens when the child has bled at Lorain Bilingual Academy and students or staff members have been exposed to the blood. Any testing is subject to laws protecting confidentiality.

HEAD LICE

LORAIN BILINGUAL ACADEMY HAS A NO NIT POLICY.

Any child found to have head lice will be temporarily excluded from Lorain Bilingual Academy until ALL NITS AND/OR LIVE LICE are removed from the child's head. The excluded child will be rechecked for head lice by Lorain Bilingual Academy Staff prior to being allowed to return to class. As a precaution, the child will be rechecked within 10 days after returning to class for possible re-infestation.

AMERICANS WITH DISABILITIES ACT - SECTION 504

The American's with Disabilities Act (A.D.A.) requires Lorain Bilingual Academy to ensure that no individual will be discriminated against on the basis of a disability. This protection applies not just to the student, but also to all individuals.

Students with disabilities may be served within the regular education program with an accommodation plan developed by LBA's staff. Parents, who believe their child may

have a disability that substantially limits the child's ability to function properly in Lorain Bilingual Academy, should contact the HEAD OF SCHOOL.

Lorain Bilingual Academy has adopted the Model Procedures for the Education of Children with Disabilities, and will serve its students with disabilities consistent with the model procedures.

SPECIAL EDUCATION

Lorain Bilingual Academy provides a special education program for students identified as having a disability defined by the Individuals with Disabilities Education Improvement Act (IDEIA). We offer an inclusion model where students are in a regular education classroom with support services provided by a licensed Intervention Specialist.

A student can access special education services through the proper evaluation and placement procedure. Parent involvement in this procedure is required. More importantly, Lorain Bilingual Academy wants the parent to be an active participant. To inquire about the procedure or programs, a parent should contact the HEAD OF SCHOOL.

Lorain Bilingual Academy has adopted the model procedures for the education of children with disabilities, and will serve its students with disabilities consistent with the model procedures.

STUDENT RECORDS

Confidential records contain educational and behavioral information that has restricted access based on the Family Educational Rights and Privacy Act (FERPA) and Ohio law. This information can only be released with the written consent of the parents, the adult student, or a surrogate, subject to limited exceptions.

Included in the confidential records may be test scores, psychological reports, behavior data, disciplinary actions and communications with the family and outside service providers. Confidential information that is in a student's record that originates from an outside professional or agency may be released to the parent only with permission of the originator. Such records shall be placed in a student's file only with knowledge of the parent. Parents may obtain such records from the originator and should maintain them in a home file. Parents may also provide the Academy with copies of records made by non-LBA' professional agencies or individuals.

Students and parents have the right to review all educational records generated by the LBA, request amendment to these records, insert addendums to records, and obtain copies of such records. Copying costs may be charged to the requestor. If a review of records is desired, please contact the building HEAD OF SCHOOL, in writing, stating the desired records. The records will be collected and an appointment will be made within forty-five (45) days of the request with the appropriate persons present to answer any potential questions.

STUDENT FEES, FINES, AND CHARGES

Lorain Bilingual Academy charges specific fees. Such fees or charges are determined by the cost of materials, freight/handling fees, and add-on fees for loss or damage to LBA property. Lorain Bilingual Academy and staff do not make a profit.

Students using LBA's property and equipment, including textbooks and desks, can be fined for excessive wear and abuse of the property and equipment. The fine will be assessed at replacement cost.

Lorain Bilingual Academy may withhold a student's grades and/or credit for failure to pay assessed fees for materials used in a course of instruction other than textbooks or electronic textbooks.

STUDENT VALUABLES

Students are advised not to bring items of value to Lorain Bilingual Academy. Items such as jewelry, expensive clothing, electronic equipment, and the like, are tempting targets for theft and extortion. Lorain Bilingual Academy cannot be responsible for their safekeeping and will not be liable for loss or damage to personal valuables.

REVIEW OF INSTRUCTIONAL MATERIALS AND ACTIVITIES

Parents have the right to review any instructional materials being used in Lorain Bilingual Academy. They also may observe instruction in any class. Any parent who wishes to review materials or observe instruction must contact the HEAD OF SCHOOL prior to coming to Lorain Bilingual Academy. Parents' rights to review teaching materials and instructional activities are subject to reasonable restrictions and limits.

CAFETERIA/STUDENT EATING AREA

Lorain Bilingual Academy's cafeteria/student eating area is available to all students whether lunch is purchased at the cafeteria/student eating area or brought from home. The cafeteria/student eating area is planned to be enjoyed, but not abused. It should also be noted the cafeteria/student eating area is also considered a multipurpose room, with the quality of student citizenship can be most clearly observed. Because of the number of students involved, basic rules of etiquette and courtesy are necessary. Students are expected to conduct themselves properly always. Failure to do so may result in revoking cafeteria/student eating area privileges.

CAFETERIA/STUDENT EATING AREA PROCEDURES:

- Students are expected to stay seated while eating
- Students are expected to talk in quiet voices to their friends
- Students are not allowed to eat from other student's lunches or "trade" food
- Students may raise their hand to get help from supervisors or get permission to throw away trash
- Students are expected to leave the table and chairs clean after eating
- Proper lunchroom manners are expected

FIRE AND TORNADO DRILLS

Lorain Bilingual Academy has a Multi-Hazard Plan in place and practices all necessary drills, such as fire and tornado, in compliance with State regulations and laws.

Lorain Bilingual Academy complies with all fire safety laws and will conduct fire drills in accordance with State law. Tornado drills will be conducted during the tornado season using the procedures provided by the State. Specific instructions on how to proceed will be provided to students by their teachers who will be responsible for safe, prompt, and orderly evacuation of the building.

EMERGENCY CLOSINGS AND DELAYS

If LBA must be closed or have the opening delayed because of inclement weather, it will be on local radio/television stations. To verify that LBA is open and that your child is safe, please escort your child into school each morning. Lorain Bilingual Academy is not responsible for any child left at Lorain Bilingual Academy when the school is not open.

Parents and students are responsible for knowing about closings and delays.

There may be some emergency instances which will require Lorain Bilingual Academy to be closed early. IT IS EXTREMELY IMPORTANT THAT PARENTS DISCUSS WITH THEIR CHILD EMERGENCY PROCEDURES THAT THEY SHOULD FOLLOW IN THE EVENT LBA IS CLOSED EARLY.

VISITORS

Visitors, particularly parents, are welcome at LBA. **For the safety of students and staff, ALL visitors MUST report to the office to sign in and pick up a visitor's pass.** Any visitor found in the building without signing in shall be reported to the HEAD OF SCHOOL. **If a person wishes to confer with a member of the staff, he/she MUST call for an appointment prior to coming to Lorain Bilingual Academy to prevent any inconvenience.** Any visitor, including a parent or guardian, failing to comply with the LBA visitor procedure or the direction of the HEAD OF SCHOOL may have restrictions placed on visiting, up to and including prohibition from the premises. The HEAD OF SCHOOL may utilize law enforcement officials in the enforcement of the visitor policy, helping to ensure the safety and security of LBA.

Students may not bring visitors to Lorain Bilingual Academy without first obtaining permission from the HEAD OF SCHOOL.

USE OF ACADEMY MEDIA/INSTRUCTIONAL MATERIALS

Learning Materials are among the most valuable assets of Lorain Bilingual Academy. Learning Material includes, but not limited to, textbooks, Chromebook, and Tablets. Learning Materials must be checked out and checked in appropriately. Students are held responsible for materials checked out to them. Students not returning materials or causing damage to them will be charged for the Learning Material's replacement.

USE OF LBA'S EQUIPMENT AND FACILITIES

Students must receive the permission of the teacher before using any equipment or materials in the classroom and the permission of the HEAD OF SCHOOL to use any other LBA' equipment or facility. Students will be held responsible for the proper use and safe-keeping of any equipment or facility they use.

Outside individuals or organizations may request a Building Use Form from Lorain Bilingual Academy' office.

LOST AND FOUND

A lost and found area is in the office. Students may check for lost items. Parents are invited to come and check for lost items. Lost items or valuables found in or around Lorain Bilingual Academy should be turned into the office.

Parents are asked to mark each child's coats, sweaters, hats, boots, backpacks, and lunch boxes for identification. Unclaimed items will be given to charity at the end of each quarter.

STUDENT SALES

No student is permitted to sell any item or service in Lorain Bilingual Academy without the approval of the HEAD OF SCHOOL. Violation of this policy may lead to disciplinary action. For example, trading or selling of the following items is not allowed: radios, CD's, CD Players, tape recorders, toys, cell phones, dolls, trading cards, food or candies, and other spare time items. These items or others like them shall not be brought to Lorain Bilingual Academy unless the teacher or HEAD OF SCHOOL has given specific permission.

USE OF TELEPHONES

Students are not permitted to make calls on the telephone unless the HEAD OF SCHOOL or Executive Office Assistant gives permission. **STUDENTS WILL NOT BE CALLED FROM CLASS FOR TELEPHONE CALLS.** Phone messages from parents to students may be given to the secretary, who will give the message to the student. It is extremely disruptive to have students called from class. No telephone calls will be forwarded to the classrooms. Cell phones **MUST** remain off and out of sight during the school day. **All Students are required to turn in cell phones to their teacher prior to the start of class. Failure to do so will result in a disciplinary actions.**

In the event that a student is seen with a cell phone at any time during the school day, the phone will be confiscated and held by a school official until picked up by a parent or guardian.

Lorain Bilingual Academy is not responsible for the loss or theft of a cell phone.

ADVERTISING OUTSIDE ACTIVITIES

No announcements or posting of outside activities will be permitted without the approval of the HEAD OF SCHOOL. A minimum of twenty-four (24) hours' notice is required to ensure that the HEAD OF SCHOOL has the opportunity to review the announcement or posting.

ARRIVAL AND DISMISSAL

ARRIVAL AND DISMISSAL: During morning drop off and afternoon pickup we ask that parents follow LBA' procedures closely in order to protect all children. We ask that parent's pick up their students promptly at 2:50 from the school building.

You may ask the staff member that is monitoring arrival/dismissal for assistance.

LBA'S PARTIES- NO FOOD POLICY

Lorain Bilingual Academy wants all children to celebrate events in a very safe and secure manner. We recognize that some students may have severe life-threatening reactions to certain foods. Therefore, we have implemented a no food policy for birthdays and other events. We encourage you to work with your child's teacher to develop other ways to celebrate with your child.

IT IS LBA'S POLICY NOT TO PASS OUT BIRTHDAY INVITATIONS UNLESS THERE IS ONE FOR EACH MEMBER OF THE CLASS. HANDING OUT A FEW INVITATIONS MAY CAUSE DISRUPTION AND HURT FEELINGS.

LEAVING LORAIN BILINGUAL ACADEMY

Students may not leave Lorain Bilingual Academy's grounds without permission from office personnel. Before this can be granted, a written request from the parent must be presented. **STUDENTS MUST BE SIGNED OUT IN THE OFFICE BY PARENT/GUARDIAN BEFORE LEAVING THE BUILDING DURING LBA'S DAY AND/OR AFTER SCHOOL.**

Students leaving Lorain Bilingual Academy without permission will be considered truant. Law Enforcement will be called at the discretion of the HEAD OF SCHOOL.

GUM

The chewing of gum will not be allowed during the school day. Students should not bring gum to Lorain Bilingual Academy. **PLEASE DO NOT SEND GUM OR GUM PRODUCTS AS A PARTY TREAT.**

MONEY AND OTHER VALUABLES

If money is being sent to Lorain Bilingual Academy, parents should:

- Place the money in an envelope
- Include a note inside, stating the reason for the money being sent
- Place the teacher's name and child's name on the outside of the envelope

We discourage parents from allowing children to bring large amounts of money to the LBA.

Students are not allowed to bring valuable equipment such as MP3 players, IPODS, computer games, and remote-controlled cars, or other electronic toys unless there is a special occasion, and prior permission granted from the teacher and parent. If such items are brought to Lorain Bilingual Academy they will be confiscated until a parent picks the item up.

STUDENT PICTURES

Families may purchase student pictures each year. Students will have their individual pictures taken early in the school year. Specific information about the procedure and purchase of pictures will be sent home prior to picture day. Specific times for pictures will be established.

PARENT INVOLVEMENT

Lorain Bilingual Academy encourages volunteerism in the school. Volunteers are important to our educational program. When parents volunteer in Lorain Bilingual Academy, they should be positive role models for our students and follow all school rules.

Volunteers are required to sign in and out at the LBA office and obtain a visitor's pass each time they are volunteering in the building.

SECTION II - ACADEMICS

FIELD TRIPS

Field trips are academic activities that are held off Lorain Bilingual Academy's grounds. Buses will transfer students to and from field trips. There are also other trips that are part of Lorain Bilingual Academy's co-curricular and extra-curricular programs. **No student may participate in any LBA-sponsored trip or extra-curricular activity without written parental consent.**

Field trips are designed to extend curricular areas for our students. Parents may be asked to be a chaperone on a field trip. **ALL CHAPERONES MUST COMPLETE A BCI BACKGROUND CHECK.** The role of a chaperone is to supervise students; therefore, **siblings are not allowed to accompany LBA parents on any field trip.**

Students whose behavior represents safety concerns may be excluded from participation in a field trip at staff discretion.

GRADING PERIODS

Report cards are issued at the end of each ten-week grading period, with the end of the year report cards being mailed home.

Progress reports are sent home to the parents of all students at the midpoint of each ten-week grading period, and are used to inform parents of any problem or improvement on behalf of the students.

Parent-Teacher Conferences are scheduled in the fall and spring. Lorain Bilingual Academy's calendar will list the exact dates. The classroom teacher will schedule conferences. Parents may arrange a conference with their child's teacher any time during the Academy year by contacting Lorain Bilingual Academy and arranging an appointment.

PROMOTION, PLACEMENT, AND RETENTION

Many factors are taken into consideration when a student is promoted to the next level or retained at their current grade level. Each child is treated as an individual case and will be given individual consideration. Lorain Bilingual Academy does not endorse social promotion.

The teachers are to confer with the HEAD OF SCHOOL concerning all retentions.

Parents are to be notified of possible retention in writing, near the end or directly after the third ten-week grading period.

A final decision to retain a student will be made no later than one week before Lorain Bilingual Academy's year ends, and parents will be notified in writing. Teachers will arrange conferences with the parent to explain the benefits of retention and the probable effect it will have on the student's educational growth.

The HEAD OF SCHOOL will always be available to discuss the reasons for promotion or retention of any student.

HOMEWORK

The assignment of homework should be expected. It is the **student's** responsibility to complete and turn in homework assignments. Homework is part of the student's preparation for class and their academic progress.

COMPUTER TECHNOLOGY AND NETWORKS

The use of the Network is a privilege, which may be revoked by LBA at any time and for any reason. Potential reasons for revoking privileges include, but are not limited to, the altering of system software or the placing of unauthorized information, computer viruses or harmful programs on or through the computer system in either public or private files or messages or the access of inappropriate materials deemed harmful. Lorain Bilingual Academy reserves the right to remove files, limit or deny access, as well as refer the student for other disciplinary actions.

STUDENT ASSESSMENT

To measure student progress, students will be tested in accordance with State standards and LBA's policy.

Ohio Achievement Assessments are administered twice per academic year for the third grade. Dates are subject to change by the Ohio Department of Education. Parents will be informed of these dates through the school calendar.

Unless exempted, each student will be expected to pass the appropriate Ohio Achievement Assessments. Make-up dates are scheduled, but unnecessary absences should be avoided.

Additional group tests, such as the Ohio State AIR Test, will be administered in the fall and/or spring to monitor progress and determine educational mastery level. These tests are used to help the staff determine instructional needs. We also utilize several assessments through technology, such as iReady. Please ask your building HEAD OF SCHOOL or DIRECTOR OF ACADEMICS any questions you may have regarding assessments.

Classroom tests will be used to assess student progress and assign grades. These are selected or prepared by teachers to assess how well the students have achieved specific standardized objectives.

SECTION III – STUDENT CONDUCT

ATTENDANCE

LBA Attendance Policy

IT IS IMPERATIVE THAT STUDENTS BE IN ATTENDANCE EACH SCHOOL DAY IN ORDER NOT TO MISS A SIGNIFICANT PORTION OF THEIR EDUCATION. Important learning results from active participation in the classroom and other LBA's activities, which cannot be replaced by individual study.

Lorain Bilingual Academy is also concerned about helping students develop a high-quality work ethic, which will be a significant factor in their success with future employers. One of the most important work habits that employers look for in hiring and promoting a worker is his/her dependability in coming to work every day and on time. This is a habit LBA wants to help students develop as early as possible.

Truancy

A "habitual truant" is a child of compulsory school age who is absent without a legitimate excuse for five or more consecutive school days, seven or more school days in one school month, or twelve or more school days in a school year. A "chronic truant" is any child of compulsory school age who is absent without a legitimate excuse for seven or more consecutive school days, ten or more school days in one school month, or fifteen or more school days in a school year.

Ohio law demands that any student who, without legitimate excuse, fails to participate in 72 consecutive hours of learning opportunities offered to the student by Lorain Bilingual Academy shall be automatically withdrawn from Lorain Bilingual Academy. Lorain Bilingual Academy will provide the parent/guardian notice and an opportunity to respond prior to an automatic withdrawal.

Lorain Bilingual Academy will send notice of automatic withdrawal to the Lorain County Court of Common Pleas, Juvenile Branch, and to the public school district where the student's parent/guardian resides.

Unexcused absence from Lorain Bilingual Academy (truancy) is not acceptable. Students who are truant will receive no credit for LBA work that is missed. A student's designation as a habitual or chronic truant may result in a hearing before a judge in a court of law and/or a report to local authorities concerning lack of parental responsibility in providing proper care and supervision of a child.

Lorain Bilingual Academy shall attempt to address student attendance problems through a variety of prevention and intervention strategies. These measures may include, but are not limited to, the following:

1. Taking disciplinary action against a student for truancy, in accordance with the student code of conduct
2. Offering counseling to the family of a student with truancy problems
3. Requiring the parent/guardian to contact Lorain Bilingual Academy to

discuss the student's absences. Giving a student and his/her parent/guardian written warning about the possible legal consequences of truancy

4. Requiring the student's parent/guardian to attend a parental education or training program to encourage parental involvement in compelling the student's attendance at LBA.
5. Initiating automatic withdrawal from LBA

Lorain Bilingual Academy will endeavor to work cooperatively with the appropriate state and local agencies to deal with the issue of habitual and chronic truancy. The Academy will assure:

1. The attendance policy will be issued annually to parents/guardians (parents/guardians are asked to acknowledge receipt of the policy in writing.)
2. Lorain Bilingual Academy will maintain a "flagging" system to identify absent students as potential habitual and chronic truants before they meet the mandatory timelines for classification as such. Parents/Guardians of these students are to be informed of the concern and consequence of such absenteeism.
3. Lorain Bilingual Academy has appointed its Behavioral Intervention Specialist (or designee) as the attendance officer for Lorain Bilingual Academy. This person may be subpoenaed to Court to verify and testify should there be questions about attendance issues.
4. Letters of notification and warning will be sent via certified mail to the parents/guardians of each habitual and chronic truant.
5. The appropriate state and local agencies will be notified when a child meets the habitual truant standard.

Teachers are encouraged to consult with the BIS about a student's attendance problems and to suggest to students and their parents that more formal interventions may become necessary.

If an enrolled student is considered a chronic truant, and the enrolled student's parent/guardian fails to compel the student's attendance at Lorain Bilingual Academy, Lorain Bilingual Academy may file a complaint jointly against the student and the student's parent or guardian in accordance with Ohio law.

Excused Absences

Students may be excused from Lorain Bilingual Academy for one of the following reasons and will be provided an opportunity to make-up missed LBA' work and/or tests:

- personal illness, but not illness in the family unless the circumstances are approved by the HEAD OF SCHOOL
- death in the immediate family
- religious holiday

- professional appointments that cannot be scheduled at off-school times
- absences approved by the HEAD OF SCHOOL

Students with a health condition that causes repeated absence are to provide Lorain Bilingual Academy' office with an explanation of the condition from a registered physician.

PARENTS MUST PROVIDE AN EXPLANATION FOR THEIR CHILD'S ABSENCE BY NO LATER THAN 9:00 A.M. ON THE DAY OF THE ABSENCE AND SEND A NOTE WHEN **THE CHILD RETURNS TO SCHOOL.** They are to call Lorain Bilingual Academy's office and explain the reason for the absence. If the absence can be foreseen (the "good cause" must be approved by the HEAD OF SCHOOL), the parent should arrange to discuss the matter as many days as possible before the absence will occur so that arrangements can be made to assist the student in making up the missed school work.

Students who are excusably absent for more than ten (10) days in a grading period, regardless of the reasons, will be considered "frequently absent." If there is a pattern of frequent absence for "illness," the parents will be required to provide a statement from a physician describing the health condition that is causing the frequent illness and the treatment that is being provided to rectify the condition. Without such a statement, the student's permanent attendance record will indicate "frequent unexplained illness".

During the next grading period, a "frequently-absent" student will be placed on "attendance watch" to monitor whether the pattern continues.

Suspension and expulsion from Lorain Bilingual Academy

A suspended or expelled student should take self-responsibility for completing schoolwork missed due to suspension or expulsion. It is recommended that students complete missing assignment during the suspension or expulsion and turn them into the teacher upon his/her return to school. Assignments may be obtained from the teacher beginning on the first day of a suspension or expulsion. The student will not be given credit for properly complete assignments.

Excusable, Non-approved Absence

If a student is absenting from LBA because of illness or vacation, the absence will not be considered truancy, and she/he may be given the opportunity to make up the schoolwork that is missed, provided that a formal notice is provided to the school.

Unexcused Absences

Any student who is absent from Lorain Bilingual Academy for all or any part of the day without a legitimate excuse may be considered truant and the student and his/her parents may be subject to the truancy laws of the State of Ohio.

Notification of Absence

IF A STUDENT IS GOING TO BE ABSENT, THE PARENTS MUST CONTACT LBA BY 9:00 A.M. AND PROVIDE AN EXPLANATION. IF PRIOR CONTACT IS NOT POSSIBLE, THE PARENTS SHOULD PROVIDE A WRITTEN EXCUSE AS SOON AS POSSIBLE. WHEN NO EXCUSE IS PROVIDED, THE ABSENCE WILL BE UNEXCUSED AND THE STUDENT WILL BE CONSIDERED TRUANT.

If the absence of a student appears to be questionable or excessive, Lorain Bilingual Academy's staff will try to help parents improve their child's attendance.

An excused absence allows the student to make up all possible work. It is the responsibility of the student to obtain missed assignments. It is possible that certain kinds of schoolwork such as labs or skill-practice sessions cannot be made up and, as a result, may negatively affect a student's grade.

The skipping of classes or any part of Lorain Bilingual Academy's day is considered an unexcused absence and no make-up of class work will be permitted. Disciplinary action will follow.

Tardiness

A student who is not in his/her assigned location by the start of Lorain Bilingual Academy's day shall be considered tardy. **Any student arriving late to Lorain Bilingual Academy is to report to the office before proceeding to class.** A pass is required for admittance to class. If a student misses any part of the instructional school day, his/her attendance is affected. Excessive tardiness causes students to miss instruction which will impact their academic achievement.

Vacations during the school year

Parents are encouraged not to take their child out of Lorain Bilingual Academy for vacations. When a family vacation must be scheduled during the school year, the parents should discuss the matter with the HEAD OF SCHOOL and the student's teacher(s) to make necessary arrangements. It may be possible for the student to receive certain assignments that are to be completed during the trip.

Make-up of Tests and Other LBA'S Work for Excused Absences

Students who are excusably absent from LBA shall be given the opportunity to make-up work that has been missed. The student should contact the teacher as soon as possible to obtain assignments.

Students will be given the number of days of excused absence within which to make-up work.

If a student misses a teacher's test due to excused absence, she/he may decide with the teacher to take the test. If she/he misses an Ohio Air Test or other standardized tests, the student should consult with the teacher to arrange for taking the test as soon as possible within the testing window.

STUDENT ATTENDANCE AT LORAIN BILINGUAL ACADEMY EVENTS

Lorain Bilingual Academy encourages students to attend as many of LBA's events held after school as possible, that do not interfere with their schoolwork and home activities. Enthusiastic spectators help to build Lorain Bilingual Academy's spirit and encourage those students who are participating in the event.

To ensure that students attending evening events as non-participants are properly safeguarded, however it is strongly advised that a parent or adult chaperone accompany

LBA students **when they attend the event.** Lorain Bilingual Academy will not be able to supervise unaccompanied students nor will it be responsible for students who arrive without an adult chaperone.

Lorain Bilingual Academy will continue to provide adequate supervision for all students who are participants in an LBA'S activity. Students must comply with the Code of Conduct at LBA'S events, regardless of the location. Student behavior may prohibit attendance at school events.

STUDENT RULES OF CONDUCT

The Code of Conduct Policy adopted by the Board is attached in its entirety as Appendix 3.

A major component of the educational program at Lorain Bilingual Academy is to prepare students to become responsible workers and citizens by learning how to conduct themselves properly and in accordance with established standards.

The Student Rules of Conduct apply at all times on Lorain Bilingual Academy owned or controlled property, including buses or other LBA transportation vehicles owned, controlled, or utilized by District students, at Lorain Bilingual Academy's activities and functions, as well as when students are otherwise under the authority of LBA's personnel. These Rules also apply to conduct by a student that occurs off property owned or controlled by Lorain Bilingual Academy, but is connected to activities or incidents that have occurred on property owned or controlled by Lorain Bilingual Academy. Finally, these Rules also apply to misconduct by a student, regardless of where it occurs, that is directed at an LBA official or employee or the property of an LBA official or employee.

The HEAD OF SCHOOL is deemed to have all the power and authority accorded a principal and a superintendent in a traditional public school. The Board of Trustees is deemed to have all the power and authority afforded to a board of education in a traditional public-school district.

A copy of this policy shall be posted in a central location in Lorain Bilingual Academy and made available to students upon request. No student shall be suspended, expelled, or removed except in accordance with this policy.

Expected Behaviors

Each student shall be expected to:

- A. Abide by national, State, and local laws as well as the rules of the LBA
- B. Respect the civil rights of others
- C. Act courteously to adults and fellow students
- D. Be prompt to Lorain Bilingual Academy and attentive in class
- E. Complete assigned tasks on time and as directed
- F. Help maintain a school environment that is safe, friendly, and productive
- G. Act always in a manner that reflects pride in self, family, and in LBA
- H. Follow school-wide rules and expectations:

L – Lead by Example

E – Encouraging to Others

A – Always Be Ready

P - Politeness

Dress and Grooming

Students are in Lorain Bilingual Academy to learn. Any fashion (dress, accessory, or hairstyle) that disrupts the educational process or presents a safety risk will not be permitted. Personal expression is permitted within these general guidelines.

Students are not required to wear the uniform. Students are required to wear clothes that are properly fitted and in good order. Dress should be respectful and presentable. The following styles or manner of dress are NOT PERMITTED:

1. Clothing that is disruptive to the educational process.
2. Cut-off tops, half shirts, mesh shirts, tank tops, short shorts, and short skirts. Shorts, Skirts and Dresses must extend past the finger tips.
3. Items of clothing that contain profanity, suggestive comments or obscenities.
4. Clothing, which advertises drug or alcohol use or depicts inappropriate logos
5. Wearing of hats, bandannas, visors, sunglasses, etc. in the building.
6. Clothing must cover all tattoos. Facial/body piercing is unacceptable; ear- piercing is acceptable.
7. Wearing of slides, Crocs, flip flops or open toes shoes.
8. Sagging pants are not acceptable.
9. Clothing that is intentionally distress such as jeans must not be revealing and cannot have holes above the length of the wearer's fingertips. Distress wear must be in good condition and not over worn out or torn.

*** This list is not all inclusive and Lorain Bilingual Academy Administration reserves the right to evaluate each situation individually to deem if a student is in violation of the dress code.

Coat Policy: Coats and/or hooded sweatshirts are considered a jacket and must be hung on coat hooks. Hooded sweatshirts may be worn.

******Hoods may not be worn at any time while inside the school building.***

If a student has selected a manner of appearance that is beyond mere freedom of expression and disrupts the educational process or presents a risk to themselves or others, they may be removed from the educational setting, and be subject to penalty under the Student Code of Conduct.

Students who are representing Lorain Bilingual Academy at an official function or public event may be required to follow specific dress requirements.

Lorain Bilingual Academy Administration retains the right to review and revisit this policy at anytime.

Consequences for Non-Compliance with Dress Code Policy

Students who do not comply with the Dress Code policy will be given a verbal warning. If the student continues to violate the dress code, the parent will be contacted. Continued violations can result in Suspension.

Care of Property

Students are responsible for the care of their own personal property. LBA will not be responsible for personal property. **Valuables such as jewelry or irreplaceable items should not be brought to Lorain Bilingual Academy.** Lorain Bilingual Academy may confiscate such items and return them to the student's parents. Excessive amounts of cash are also not to be brought to school.

Damage to or loss of LBA's equipment and facilities wastes taxpayers' money and undermines Lorain Bilingual Academy's program. Therefore, if a student does damage to or loses school property, the student or his/her parents will be required to pay for the replacement or damage. If the damage or loss was intentional, the student will also be subject to discipline according to the Student Code of Conduct.

SEARCH AND SEIZURE

Search of a student and his/her possessions may be conducted at any time the student is under the jurisdiction of the Board of Trustees, if there is a reasonable suspicion that the student is in violation of law or LBA's rules. A search may also be conducted to protect the health and safety of others. All searches may be conducted with or without a student's consent.

Students may be provided lockers, desks, and other equipment in which to store materials. It should be clearly understood that this equipment is the property of Lorain Bilingual Academy and may be searched at any time, *with or without* reasonable suspicion that a student has violated the law or Lorain Bilingual Academy rules. Locks are to prevent theft, not to prevent searches. All property of Lorain Bilingual Academy, including lockers, may be subject to random or for-cause searches.

Anything that is found during a search that may be evidence of a violation of Lorain Bilingual Academy rules or the law may be taken and held or turned over to the police. Lorain Bilingual Academy reserves the right not to return items which have been confiscated. During any search, students' privacy rights will be respected regarding any items that are not illegal or against Lorain Bilingual Academy's policy.

All computers located in classrooms, labs and offices of Lorain Bilingual Academy are the Lorain Bilingual Academy's property and are to be used by students, where appropriate,

solely for educational purposes. Lorain Bilingual Academy retains the right to access and review all electronic, computer files, databases, and any other electronic transmissions contained in or used in conjunction with Lorain Bilingual Academy computer system, and electronic mail. Students should have no expectation that any information contained on such systems is confidential or private.

Review of such information may be done by Lorain Bilingual Academy with or without the student's knowledge or permission. The use of passwords does not guarantee confidentiality, and Lorain Bilingual Academy retains the right to access information despite a password. All passwords or security codes must be registered with the instructor. A student's refusal to permit such access may be grounds for disciplinary action.

STUDENT RIGHTS OF EXPRESSION

Lorain Bilingual Academy recognizes students' right of expression. With the right of expression comes the responsibility to do it appropriately. Students may distribute or display, at appropriate times, non-sponsored, noncommercial written material and petitions; buttons, badges, or other insignia; clothing, insignia, and banners; and audio and video materials. All items must meet the following LBA' guidelines:

- A. A material cannot be displayed if it:
 - 1. is obscene to minors, libelous, indecent, or vulgar,
 - 2. advertises any product or service not permitted to minors by law,
 - 3. is insulting or harassing,
 - 4. may incite fighting or presents a likelihood of disrupting Lorain Bilingual Academy or a school event.

- B. Materials may not be displayed or distributed during class periods, or during passing times between classes. Permission may be granted for display or distribution during lunch periods and after school in designated locations, as long as exits are not blocked and there is proper access and egress to the building.

Students who are unsure whether materials they wish to display meet LBA's guidelines may present them to the HEAD OF SCHOOL twenty-four (24) hours prior to display.

STUDENT CONCERNS, SUGGESTIONS, AND GRIEVANCES

Lorain Bilingual Academy is here for the benefit of the students. The staff is here to assist each student in becoming a responsible adult. If a student has suggestions that could improve LBA, she/he should feel free to offer them. Written suggestions may be presented directly to the HEAD OF SCHOOL.

When concerns or grievances arise, the best way to resolve the issue is through communication. No student will be harassed by any staff member or need fear reprisal for the proper expression of a legitimate concern. All suggestions, concerns, and grievances may be directed to the HEAD OF SCHOOL.

A student may have the right to a hearing if the student believes she/he has been improperly denied participation in an LBA activity or has been subjected to an illegal rule or standard. A student may not petition to have a change in grade.

STUDENT CODE OF CONDUCT

The Board of Trustees has adopted the following Student Code of Conduct. The Code includes the types of misconduct that will subject a student to disciplinary action and the procedures for implementing disciplinary action.

It is the responsibility of the staff at Lorain Bilingual Academy to provide a safe and orderly learning environment. History has shown that certain student actions are not compatible with a "safe" and "orderly" environment. Discipline is within the sound discretion of the staff and administration at Lorain Bilingual Academy.

The following provides examples of major areas that could result in disciplinary action. The absence of a behavior or any specific action from the list does not mean that such conduct does not violate the discipline code or cannot be disciplined.

EXPLANATION OF TERMS APPLYING TO THE STUDENT CODE OF CONDUCT

(Organized by Rule Number)

Each of the behaviors described below may subject the student to disciplinary action including suspension and/or expulsion from Lorain Bilingual Academy and/or notification of law enforcement authorities.

1. Conduct Involving Drugs

Lorain Bilingual Academy is a "Drug Free" zone within the boundaries of the school safety zone established by State law as well as to any of LBA's activity and transportation. This means that any activity - sale, use, distribution, or use of drugs, alcohol, fake drugs, steroids, inhalants, or look-alike drugs is prohibited. If caught, the student could be suspended or expelled and law enforcement officials may be contacted. Sale also includes the possession or sale of over-the-counter or prescription medication to another student.

2. Use of Breath-Test Instruments

The HEAD OF SCHOOL or assistant administrator or designee may arrange for a breath test for blood-alcohol to be conducted on a student whenever she/he has individualized reasonable suspicion to believe that a student has consumed an alcoholic beverage. Imposition of a breath test is at the discretion of Lorain Bilingual Academy, and discipline may be imposed without a breath test upon other evidence of use of alcohol.

The student will be taken to a private administrative or instructional area on Lorain Bilingual Academy's property with at least one (1) other member of the teaching or administrative staff present as a witness to the test.

The purpose of the test is to determine whether the student has consumed an alcoholic beverage. The amount of consumption is not relevant, except where the student may need medical attention.

If the result indicates a violation of LBA's rules as described in this handbook, the student will be disciplined in accordance with disciplinary procedures described in this handbook. If a student refuses to take the test, she/he will be advised that such denial will be considered an admission of alcohol use with the consequent discipline invoked. The student will then be given a second opportunity to take the test.

3. Use of Tobacco or other Inhalants

Smoking and other tobacco and vapes uses are a danger to a student's health and to the health of others. Lorain Bilingual Academy prohibits the sale, distribution, use or possession of any form of tobacco or vapes during school time or at any LBA's activity. This prohibition also applies when going to and from Lorain Bilingual Academy and at Lorain Bilingual Academy's bus stops. Violations of this rule could result in suspension or expulsion.

4. Student disorder/demonstration

Students will not be denied their rights to freedom of expression, but the expression may not infringe on the rights of others. Disruption of any LBA' activity will not be allowed. If a student (or students) feels there is need to organize some form of demonstration, she/he is encouraged to contact the HEAD OF SCHOOL to discuss the proper way to plan such an activity. Students who disrupt Lorain Bilingual Academy may be subject to suspension or expulsion.

5. Possession of a weapon

A weapon includes conventional objects like a firearm, guns, pellet guns, ammunition, knives, or club type instruments. It may also include any toy that is presented as a real weapon or reacted to as a real weapon. A "firearm" has the same meaning as provided in the "Gun-Free Schools Act of 1994," 108 Stat. 270, 20 USC 8001(a) 2. A "knife" is any instrument that possesses a pointed or sharp-edged blade of metal or other rigid material and that is designed or can be used for cutting, slicing, or stabbing. This definition shall include, but is not limited to: straight razors, razor blades, utility knives, box cutters, ice picks, pocket knives, switch blades and hunting knives. Possession of a weapon may subject a student to suspension or expulsion. It makes no difference whether the weapon belongs to someone else, unless the student can provide convincing evidence that the weapon was placed in the student's possession without his/her knowledge. If it can be confirmed that a weapon was brought on Lorain Bilingual Academy's property by a student other than the one who possessed the weapon, that student shall also be subject to the same disciplinary action.

A student may be expelled from Lorain Bilingual Academy if she/he brings onto or has in his/her possession on Lorain Bilingual Academy's property or at an activity any of the following:

- A. any explosive, incendiary, or poison gas including bombs, grenades, rockets, missiles, mines, or device that can be converted into such a destructive item
- B. a knife
- C. any firearm or similar objects that are intended to invoke bodily harm or fear of bodily harm (e.g. air gun, blow-gun, toy gun, etc.)

6. Use of an object as a weapon

Any object that is used to threaten, harm, or harass another may be considered a weapon. This includes but is not limited to padlocks, pens, pencils, laser pointers, jewelry and so on. This violation may subject a student to suspension or expulsion.

7. Knowledge of Dangerous Weapons or Threats of Violence

Because the Board believes that students, staff members, and visitors are entitled to function in a safe environment at Lorain Bilingual Academy, students are required to report knowledge of dangerous weapons or threats of violence to the HEAD OF SCHOOL. Failure to report such knowledge may subject the student to discipline.

8. Purposely setting a fire or attempting to set fire

Anything, such as fire, that endangers the property and its occupants at Lorain Bilingual Academy property will not be tolerated. Arson will subject the student to suspension or expulsion.

9. Physically assaulting a staff member/student/person associated with LBA

Physical assault at Lorain Bilingual Academy against an LBA employee, student, volunteer, or contractor, or another, which may or may not because injury may result in charges being filed and subject the student to suspension or expulsion. Physical assault is defined as “causing or attempting to cause physical harm to another.”

10. Verbally threatening a staff member/student/person associated with the LBA

Verbal assault at Lorain Bilingual Academy against an LBA employee, volunteer, or contractor or making bomb threats or similar threats directed at the building, property, or an LBA related activity will be considered verbal assault. Verbal threats or assault may result in suspension and expulsion. Verbal assault is a communicated intent to inflict physical or other harm on another person, with a present intent and ability to act on the threat.

11. Extortion

Extortion is the use of threat, intimidation, force, or deception to take, or receive something from someone else. Violations of this rule will result in disciplinary action up to and including suspension or expulsion.

12. Gambling

Gambling includes casual betting, betting pools, organized-sports betting, and any other form of wagering. Students who bet on an activity in which they are involved may also be banned from that activity. Violations of this rule could result in suspension or expulsion.

13. Falsification of schoolwork, identification, forgery

Forgery of hall passes and excuses as well as false I.D.'s are forms of lying and are not acceptable.

Plagiarism and cheating are also forms of falsification and subject the student to academic penalties as well as disciplinary action. Violations of this rule could result in suspension or expulsion.

14. False alarms, false reports, and bomb threats

A false emergency alarm, report or bomb threat endangers the safety forces that are responding, the citizens of the community, and persons in the building. Violations of this rule could result in suspension or expulsion. The HEAD OF SCHOOL may expel a student from Lorain Bilingual Academy for a period of up to one year for making a bomb threat to Lorain Bilingual Academy's building or to any premises at which an LBA's activity is occurring at the time of the threat. An expulsion shall extend, as necessary, into the school year following the school year in which the incident that gives rise to the expulsion takes place.

15. Explosives

Explosives, fireworks, and chemical-reaction objects such as smoke bombs, pipe bombs, bottle bombs, small firecrackers, and poppers are forbidden and dangerous. Violations of this rule could result in suspension or expulsion.

16. Trespassing

Although schools are public facilities, the law does allow Lorain Bilingual Academy to restrict access on the property of Lorain Bilingual Academy. If a student has been removed, suspended, or expelled, the student is not allowed on the property of Lorain Bilingual Academy without authorization of the HEAD OF SCHOOL. In addition, students may not trespass onto the property of Lorain Bilingual Academy at unauthorized times or into areas of Lorain Bilingual Academy determined to be inappropriate. Violations of this rule could result in suspension or expulsion.

17. Theft

When a student is caught stealing the property of Lorain Bilingual Academy or someone's, she/he will be disciplined and may be reported to law enforcement officials. Students are encouraged not to bring anything of value to Lorain Bilingual Academy that is not needed for learning without prior authorization from the HEAD OF SCHOOL or teacher. Lorain Bilingual Academy is not responsible for personal property. Theft may result in suspension or expulsion.

18. Disobedience

The staff at Lorain Bilingual Academy is acting "in loco parentis," which means they are allowed, by law, to direct a student, as would a parent. This applies to all staff, not just teachers assigned to a student. If given a reasonable direction by a staff member, the student is expected to comply. Disobedience can result in suspension or expulsion.

19. Damaging property

Vandalism and disregard for the property of Lorain Bilingual Academy will not be tolerated. Violations could result in suspension or expulsion, and repayment to LBA of the costs of repair or replacement of the damaged property.

20. Persistent absence or tardiness

Attendance laws require students to be in school all day or have a legitimate excuse. It is also important to establish consistent attendance habits to succeed in school and in the world-of-work. Excessive absence could lead to retention, suspension or expulsion from school.

21. Unauthorized use of the property of Lorain Bilingual Academy or private property

Students are expected to obtain permission to use any property of Lorain Bilingual Academy or any private property located on the premises of Lorain Bilingual Academy. Any unauthorized use shall be subject to disciplinary action. This includes use of the Internet and communication networks in a manner not sanctioned by policy and administrative guideline. Violations of this rule could result in suspension or expulsion.

22. Refusing to accept discipline

Lorain Bilingual Academy may use informal discipline to prevent the student from being removed from school. When a student refuse to accept the usual discipline for an infraction, the refusal can result in a sterner action such as suspension or expulsion.

23. Aiding or abetting violation of the rules of Lorain Bilingual Academy

If a student assists another student in violating any of LBA's rule, they will be disciplined and may be subject to suspension or expulsion. Students are expected to resist peer pressure and exercise sound decision-making regarding their behavior.

24. Displays of affection

Students demonstrating affection between each other are personal and not meant for public display. This includes touching, hugging, kissing, petting, or any other contact that may be considered sexual in nature. Such behavior may result in suspension from Lorain Bilingual Academy or possible expulsion.

25. Possession of electronic equipment

Most electronic equipment necessary in Lorain Bilingual Academy is supplied by Lorain Bilingual Academy. Students are not allowed to bring music devices, tablets, electronic toys, pagers, cellular telephones, smart watches, and laser pens, and anything that may be deemed unacceptable without the permission of HEAD OF SCHOOL. The property will be confiscated and disciplinary action will be taken. Violations of this rule could result in suspension or expulsion.

26. Violation of individual Academy/classroom rules

Each learning environment has different rules for students. Individual rules are for the safe and orderly operation of that environment. Students will be oriented to specific rules, all of which will be consistent with the policy of the Academy. While every attempt will be made to teach/re-teach appropriate behavior, but persistent violations of rules could result in suspension or expulsion.

27. Disruption of the educational process

Any actions-or manner of dress that interferes with the activities or disrupts the educational process at Lorain Bilingual Academy is unacceptable. Such disruptions also include delay or

prevention of lessons, assemblies, field trips, athletic, and performing arts events.

28. Harassment/Bullying/Hazing

The Ohio Legislature defines bullying *as an intentional written, verbal, or physical act that a student has exhibited toward another particular student more than once and the behavior both: (1) causes mental or physical harm to the other student, and (2) is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student.*

Harassment Policy

Harassment of students is prohibited, and will not be tolerated. This includes inappropriate conduct by other students as well as any other person in the environment at Lorain Bilingual Academy including employees, board members, parents, guests, contractors, vendors and volunteers. It is the policy of LBA to provide a safe and nurturing educational environment for all its students. This policy applies to all activities on the property and to all Lorain Bilingual Academy sponsored activities whether on or off the property of Lorain Bilingual Academy.

Harassment is defined as inappropriate conduct that is repeated enough, or serious enough, to negatively LBA a student's educational, physical or emotional well-being. This would include harassment based on characteristics, such as sex, race, color, national origin, religion, height, weight, marital status or disability. This policy, however, is not limited to these categories and includes any harassment that would negatively LBA's students. This would include such activities as stalking, bullying, name-calling, taunting, hazing and other disruptive behaviors.

Any student that believes she/he has been/or is the victim of harassment should immediately report the situation to any available staff member.

Every student should, and every staff member **must** report any situation that they believe to be improper harassment of a student. Reports may be made to those identified above.

If the investigation finds harassment occurred, it will result in prompt and appropriate remedial action. This may include up to expulsion for students, up to discharge for employee, exclusion for parents, guests, volunteers and contractors, and removal from any officer position and/or request to resign for board members. Retaliation against any person for complaining about harassment, or participating in a harassment investigation, is prohibited. Suspected retaliation should be reported in the same manner as harassment. Intentionally false harassment reports, made to get someone in trouble, are also prohibited. Retaliation and intentionally false reports may result in disciplinary action as indicated above.

The following definitions are provided for guidance only. If a student or other individual believes there has been harassment, regardless of whether it fits a definition, s/he should report it and allow the administration to determine the appropriate course of action.

Harassment

- A. submission to such unwelcomed conduct or communication is made either an explicit or implicit condition of utilizing or benefiting from the services, activities, or programs of Lorain Bilingual Academy
- B. submission to, or rejection of, the unwelcomed conduct or communication

is used as the basis for a decision to exclude, expel or limit the harassed student in the terms, conditions or privileges of Lorain Bilingual Academy

- C. the unwelcomed conduct or communication interferes with the student's education, creates an intimidating, hostile or offensive environment, or otherwise adversely affects the student's educational opportunities. This may include racial slurs, mocking behavior, or other demeaning comments.

Sexual Harassment, may include, but is not limited to:

- A. verbal harassment or abuse
- B. pressure for sexual activity
- C. repeated remarks with sexual or demeaning implications
- D. unwelcome touching
- E. sexual jokes, posters, cartoons, etc.
- F. suggesting or demanding sexual involvement, accompanied by implied or explicit threats concerning one's grades, safety, job, or performance of public duties

Bullying – intimidation of others by acts, such as but not limited to:

- A. threatened or actual physical harm
- B. unwelcomed physical contact
- C. threatening or taunting verbal, written or electronic communications
- D. taking or extorting money or property
- E. damaging or destroying property
- F. blocking or impeding student movement

Hazing – any type of initiation procedure for any Academy related activity, which involves conduct such as, but not limited to: illegal activity, such as drinking or drugs;

- A. physical punishment or infliction of pain
- B. intentional humiliation or embarrassment
- C. dangerous activity
- D. activity likely to cause mental or psychological stress
- E. forced detention or kidnapping
- F. undressing or otherwise exposing initiates

Note: If Lorain Bilingual Academy's club or organization does not have an official and approved initiation procedure, and if no LBA' staff members are involved in the activity, there is a

significant likelihood that the activity may result in violation of this policy.

Confidentiality

Every reasonable effort will be made to maintain confidentiality during the investigation process. However, a proper investigation will, in some circumstances, require the disclosure of names and allegations.

Notification

Notice of this policy will be given **annually**, and discussed with students, as well as incorporated into the teacher, student and parent/guardian handbooks. State and Federal rights posters on discrimination and harassment shall also be posted. All new hires of Lorain Bilingual Academy' will be required to review and sign off on this policy and the related complaint procedure.

29. Possession of a firearm, Arson, and Criminal Sexual Conduct

The HEAD OF SCHOOL shall expel any student who possesses a dangerous weapon in a weapon-free Academy zone or commits either arson or criminal sexual conduct in the LBA building or on LBA's property, including buses and other transportation.

A dangerous weapon is defined as "a firearm, knife, iron bar, or brass knuckles" or other devices designed to or likely to inflict bodily harm, including, but not limited to, air guns and explosive devices.

Students with disabilities under IDEA or Section 504 shall be suspended or expelled in accordance with LBA and/or Board Policy and Federal due process rights appropriate to students with disabilities.

30. Criminal acts

Any student engaging in criminal acts at or related to Lorain Bilingual Academy may be reported to law enforcement officials as well as disciplined by Lorain Bilingual Academy. It is not considered double jeopardy (being tried twice for the same crime), when the rules of Lorain Bilingual Academy and the law are violated.

Students should be aware that state law allows that Lorain Bilingual Academy' officials, teachers and appropriate law enforcement officials be notified when a student of said school is involved in crimes related to physical violence, gang related acts, illegal possession of a controlled substance, analogue or other intoxicants, trespassing, property crimes, including but not limited to theft and vandalism, occurring in Lorain Bilingual Academy as well as in the community.

31. Safety Concerns

Students should not use roller blades, bicycles, skateboards scooters, shoes with wheels or any other form of personal transportation device in hallways or pedestrian traffic areas at Lorain Bilingual Academy. Exceptions may be made to reasonably accommodate students with mobility impairments. Use of any means of travel within buildings and on grounds by other than generally accepted practices where appropriate is prohibited. Students violating this expectation will be subject to disciplinary action.

32. Profanity

Any behavior or language, which in the judgment of the staff or administration, is obscene, disrespectful, offensive, vulgar, profane and/or violates community held standards of good taste will be subject to disciplinary action.

CORRECTIVE ACTION

It is important to remember that the rules apply going to and from Lorain Bilingual Academy, at Lorain Bilingual Academy, on the property of Lorain Bilingual Academy, at Lorain Bilingual Academy's-sponsored events, and on school transportation. In some cases, a student can be suspended or expelled from the LBA.

Ultimately, it is the HEAD OF SCHOOL's responsibility to keep things orderly. In all cases, Lorain Bilingual Academy shall attempt to make corrective action prompt and equitable and to have the corrective action match the severity of the incident.

DEFINITIONS

- **Verbal Reprimand/Warning**
- **Detentions** - Up to an hour before or after school on a day LBA is in session under the supervision of Lorain Bilingual Academy' personnel. Parent notification and acknowledgment will be made prior to detention.
- **In-school Suspension** - Isolation from peers (one hour to all day). Daily class work will be made available. Credit will be given for all complete work. Removal from co-curricular activities may occur.
- **Out-of-school Suspension** - Removal from Academy up to 10 days. Removal from co-curricular activities.
- **Expulsion** the HEAD OF SCHOOL may expel a student from Lorain Bilingual Academy for a period not to exceed the greater of eighty school days or the number of school days remaining in this semester or term in which the incident that gives rise to the expulsion takes place, unless the expulsion is extended consistent with the Code of Conduct and state law. If, at the time an expulsion is imposed, there are fewer than eighty LBA' days remaining in the school year, in which the incident that gives rise to the expulsion takes place, the HEAD OF SCHOOL may apply any remaining part or all the period of the expulsion to the following school year.
- **Saturday school** – Saturday school may be used as an alternative form of discipline at the discretion of the HEAD OF SCHOOL.

Two types of corrective action are possible, informal corrective action and formal discipline.

Informal Corrective Action

Informal correction action takes place within the Academy. It includes:

- counsel with student
- remove certain privileges
- arrange student and/or parent conference
- behavior contract
- change of seating or location

- recess, lunch-time, before or after-Academy detention
- in-school restriction

Detentions

A student may be detained after school or asked to come to school early by a teacher, after giving the student and his/her parents one (1) days' notice. The student's parents are responsible for transportation.

Formal Discipline

Formal discipline removes the student from the LBA. It includes emergency removal for up to seventy-two (72) hours, suspension for up to ten (10) school days, and expulsion from Lorain Bilingual Academy. Suspensions and expulsions may carry over into the next school year. Removal for less than one (1) school day without the possibility of suspension or expulsion may not be appealed. Suspension and expulsion can be appealed.

Discipline of Students with Disabilities

Students with disabilities are entitled to the rights and procedures afforded by the Individuals with Disabilities Education Improvement Act (I.D.E.I.A.) and the Americans with Disabilities Act (A.D.A.), or Section 504 of the Rehabilitation Act of 1973.

PROCEDURES FOR SUSPENSION, EXPULSION AND EMERGENCY REMOVAL

A. Suspension

Suspension is defined as the denial to a student for a period of at least one (1) but no more than ten (10) school days.

After alleged misconduct becomes known to LBA's administrators, the student shall be given written notice of the intention to suspend and the reasons for such action by the HEAD OF SCHOOL or assistant administrator. The student will be given an opportunity to appear at an informal hearing before the HEAD OF SCHOOL or assistant administrator, or designee, to challenge the reasons for the possible suspension or to otherwise explain his/her actions.

Within one school day after the time of a student's suspension, the HEAD OF SCHOOL or assistant administrator, or designee shall send written notice of the suspension to the student and his/her parent, guardian, or custodian and the Treasurer of the Board of Trustees. The notice shall specify the duration of the suspension and the reasons therefore. It also shall include notification of the right of the student or his/her parent, guardian or custodian to appeal the suspension to the Board of Trustees or its designee the HEAD OF SCHOOL, within fourteen (14) calendar days of the first date of suspension, to be represented in the appeal proceeding, and to request that such hearing be held in executive session if conducted by the Board of Trustees.

This procedure shall not and need not be followed in cases where a student is removed from one or more curricular for a period of less than twenty-four (24) hours and is not subject to suspension or in cases where a student is removed from any extracurricular activities.

B. Expulsion

Expulsion is defined as the denial to the student, for a period of more than ten (10) Academy days but less than eighty (80) Academy days (except for circumstances identified below), of permission to attend Academy and to take part in any Academy function.

Prior to any expulsion, the HEAD OF SCHOOL shall give the student and his/her parent/guardian or custodian written notice of the possibility of expulsion and shall provide the student and his/her parent, guardian or custodian with an opportunity to appear in person before the HEAD OF SCHOOL or designee and challenge the reasons for the possible expulsion or otherwise explain the student's actions.

The notice shall include the reasons for the possible expulsion, notification of the right of the student, guardian, custodian or their representative to appear before the HEAD OF SCHOOL or designee to hear and to challenge the reasons for the possible expulsion or otherwise to explain the student's actions, and notification of the time and place to appear. The time to appear shall not be earlier than three (3) nor later than five (5) days after the notice is given unless the HEAD OF SCHOOL grants an extension of time at the request of the student, or his/her parent, guardian, custodian or representative. Such extensions shall not exceed five (5) days. If an extension of time is granted, the HEAD OF SCHOOL or designee shall notify the student and his/her parent, guardian, custodian or representative of the new time and place to appear.

Within one school day after the time of any expulsion, the HEAD OF SCHOOL shall send written notice to the student and his/her parent, guardian or custodian and the Treasurer of the Board of Trustees. The notice shall specify the duration of the expulsion and the reasons therefore. It also shall include notification of the right of the student of his/her parent, guardian or custodian to appeal the expulsion to the Board of Trustees or to its designee within fourteen (14) days of the expulsion, to be represented in the appeal proceeding, to be granted a hearing before the Board or its designee to be heard against the expulsion, and to request that such hearing be held in executive session if conducted by the Board.

The HEAD OF SCHOOL shall initiate expulsion proceedings pursuant to R.C. 3313.66 with respect to any student who has committed an act warranting expulsion under the Academy's policy regarding expulsion even if the student has withdrawn from LBA for any reason after the incident that gives rise to the hearing but prior to the hearing or decision to impose the expulsion. If, following the hearing, the student would have been expelled for a period of time had the student still been enrolled in the LBA, the expulsion shall be imposed for the same length of time as on a student who has not withdrawn from Lorain Bilingual Academy.

Suspensions and expulsions may be carried over into the following school year. When students are expelled for more than twenty (20) school days or for any period that extends into the next school year, the HEAD OF SCHOOL shall give the expelled student(s) the names, addresses and telephone numbers of public and private agencies that work toward improving student attitudes and behavior.

The HEAD OF SCHOOL is authorized to expel a student from Lorain Bilingual Academy for a period not to exceed one year for committing an act that is a criminal offense when committed by an adult and that results in serious physical harm to persons as defined in Division (A)(5) of Section 2901.01 of the Revised Code or serious physical harm to property as defined in Division (A)(6) of Section 2901.01 of the Revised Code while the student is at the Academy, on any other property owned or controlled by the Board, or at an interscholastic competition, an extracurricular event, or any other LBA' program or activity not located either in an LBA or property owned or controlled by the Board. Any expulsion under this division shall extend, as necessary, into the school year in which the incident that gives rise to the expulsion takes place. The expulsion period may be reduced on a case-by-case basis for such reasons as the age and mental capacity of the student, the student's prior disciplinary record, the degree of remorse shown, and any other fact deemed

mitigating by the HEAD OF SCHOOL under the circumstances.

Whenever a student is suspended or expelled for possession or use of drugs or a firearm, knife, or other weapon, the HEAD OF SCHOOL shall notify the Registrar of Motor Vehicles and the Judge of the Juvenile Court. Such notification is to be given within two (2) weeks after the suspension or expulsion in a manner that complies with the provisions of R.C. 3321.13(B) (3).

C. Emergency Removals

Emergency Removal is defined as the denial to a student whose presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process taking place either within a classroom or elsewhere on the Academy premises, for a period not exceeding seventy-two (72) hours, of permission to attend the Academy and to take part in any Academy function.

When circumstances are such that a student's continuing presence in Lorain Bilingual Academy, pending completion of the procedures set forth in subparagraphs A or B, is reasonably certain to pose a continuing danger to persons or property or an ongoing threat or disrupting the academic process taking place either within the classroom or elsewhere on Lorain Bilingual Academy' premises or at LBA' sponsored or related activities or events, the HEAD OF SCHOOL or assistant administrator, or designee, may remove a student from curricular or extracurricular activities or from Lorain Bilingual Academy' premises without complying with the notice and hearing requirements of subparagraphs A or B. In like circumstances, a teacher may remove a student from curricular or extracurricular activities under his/her supervision, without complying with the notice and hearing requirements of subparagraphs A or B. As soon as practicable after making such removal, the teacher shall submit reasons, in writing, for such removal to the HEAD OF SCHOOL.

If a student is removed under this subparagraph, written notice of the reason(s) for the removal and written notice of the hearing to be held regarding the removal shall be given to the student as soon as practicable prior to the hearing. The hearing must be held within seventy-two (72) hours from the time the initial removal is ordered.

The hearing shall be held in accordance with the procedure set forth in subparagraph A above, pertaining to suspensions, unless it is probable that the student may be subject to expulsion. In that event, the hearings shall be held in accordance with the procedure set forth in subparagraph B above, except that the hearing shall be held within seventy-two (72) hours of the initial removal. Lorain Bilingual Academy' official who ordered, caused or requested the student's removal under this provision shall be present at the hearing, unless unable to attend.

This procedure shall not and need not be followed in cases when a student is removed from one or more curricular or extracurricular activities for a period of less than twenty-four (24) hours and is not subject to suspension or expulsion.

D. Disciplinary Removal

Disciplinary Removal is an action less severe than suspension, expulsion or emergency removal and is defined as the removal of the student from a class or other curricular for less than twenty-four (24) hours.

1. A student may be removed from a class or other curricular activity where the student engages in conduct which tends to interfere with or disrupt the class or curricular activity or for a violation of code or LBA' rules and regulations.

2. When a student is removed from a curricular activity for more than twenty-four (24) hours, the student shall be given notice of the removal and the reasons for the removal. The student will be given an opportunity to appear before the HEAD OF SCHOOL or assistant administrator, or designee, to hear the reasons for the removal and to explain his/her actions.

E. Other Matters

1. The student and his/her parent, guardian, or custodian may be requested to come to Lorain Bilingual Academy for a conference with the HEAD OF SCHOOL or assistant administrator, or designee. This conference shall normally be held no later than the date the student is scheduled to return to Lorain Bilingual Academy from a suspension or expulsion.
2. Personnel employed by Lorain Bilingual Academy to direct, supervise, or coach a pupil activity program may prohibit a student from participating in that program for up to five school days for violation of LBA' rules, violation of program standards, or other cause deemed sufficient by Lorain Bilingual Academy. The HEAD OF SCHOOL or assistant administrator, or designee, may suspend a student from any or all extracurricular activities of Lorain Bilingual Academy for any extended period.

APPENDIX

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MEMORANDUM TO PARENTS REGARDING BOARD OF TRUSTEES POLICY ON DRUG-FREE SCHOOLS

In accordance with Federal Law, the Board of Trustees prohibits the use, possession, concealment, or distribution of drugs by students on LBA’ grounds, in LBA’s- approved vehicles, or at any of LBA’s related event. Drugs include any alcoholic beverage, anabolic steroid, controlled substance, or substance that could be considered a "look-a-like" controlled substance. Compliance with this policy is mandatory for all students. Any student who violates this policy will be subject to disciplinary action, as specified in the student handbooks, up to and including expulsion from the Academy, the Academy will also notify law enforcement officials.

Lorain Bilingual Academy is concerned about any student who is a victim of alcohol or drug abuse and will facilitate the process by which she/he receives help through programs and services available in the community. Students and their parents should contact the Academy Chief Administrative Officer or counseling office whenever such help is needed.

**Parent/Student Acknowledgement of Lorain Bilingual Academy’
Student Code of Conduct**

We, _____ and _____
Parent/Guardian Student

have received and read Lorain Bilingual Academy’s Handbook and Code of Conduct. We understand the rights and responsibilities pertaining to students and agree to support and abide by the rules, guidelines, procedures, and policies of Lorain Bilingual Academy. We also understand that this handbook supersedes all prior handbooks and other written material on the same subjects; *that this handbook should not be construed to accord any rights or privileges to students or families beyond those accorded by law; and that this handbook may be revised at any time, with or without notice.*

Parent/Guardian Signature

Student Signature

Date

**HARASSMENT, INTIMIDATION, BULLYING, AND TITLE IX
POLICY
Lorain Bilingual Preparatory Academy**

The Harassment, Intimidation, Bullying, and Title IX Policy of Lorain Bilingual Preparatory Academy (the “School”), an Ohio non-profit corporation and tax-exempt organization, has been established to set forth requirements established by the United States Department of Education, the Ohio Department of Education, and the Ohio Revised Code, with respect to school policies prohibiting harassment, intimidation or bullying.

Article I: Harassment, Intimidation, and Bullying

Section I: Policy

1. It is the policy of the School that any form of bullying behavior, whether in the classroom, on school property, to and from school or at school-sponsored events, is expressly forbidden.
2. The disciplinary procedure for any student guilty of harassment, intimidation, or bullying shall not infringe on any student’s rights under the first amendment to the Constitution of the United States.
3. The School’s administration shall semiannually provide the president of the board of directors a written summary of all reported incidents and post the summary on its web site, to the extent permitted by section 3319.321 of the Revised Code and the “Family Educational Rights and Privacy Act of 1974,” 88 Stat. 571, 20 U.S.C. 1232q, as amended.
4. The School’s policy on harassment, intimidating and bullying shall appear in any student handbooks, and in any of the publications that set forth the comprehensive rules, procedures, and standards of conduct for schools and students. Information regarding the policy shall be incorporated into employee training materials.
5. Any School employee, student, or volunteer shall be individually immune from liability in a civil action for damages arising from reporting an incident in accordance with a policy adopted pursuant to this policy if that person reports an incident of harassment, intimidation, or bullying promptly in good faith and in compliance with the procedures as specified in this policy.
6. Except as provided in paragraph five (5) above, nothing in this section prohibits a victim from seeking redress under any other provision of the Ohio Revised Code or common law that may apply.
7. This policy does not create a new cause of action or a substantive legal right for any person.
8. Students who have been determined to have engaged in prohibited behaviors are subject to disciplinary action, which may include suspension or expulsion from school. The School’s commitment to addressing such prohibited behaviors, however, involves a multifaceted approach, which includes education and the

promotion of a school atmosphere in which harassment, intimidation or bullying will not be tolerated by students, faculty or school personnel.

9. It is imperative that harassment, intimidation, or bullying be identified only when the specific elements of the definition are met because the designation of such prohibited incidents carry special statutory obligations. However, misconduct by one student against another student, whether appropriately defined or not, will result in appropriate disciplinary consequences for the perpetrator.

Section II: Definitions

1. Harassment, intimidation or bullying means either of the following:
 - a. Any intentional written, verbal, or physical act that a student has exhibited toward another particular student more than once and the behavior both:
 - i. Causes mental or physical harm to the other student;
 - ii. Is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student.
 - b. Violence within a dating relationship.
2. Harassment, intimidation or bullying also means electronically transmitted acts i.e., Internet, cell phone, personal digital assistance (PDA) or wireless hand-held device that a student has exhibited toward another particular student more than once and the behavior both:
 - a. Causes mental or physical harm to the other student/school personnel; and
 - b. is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment for the other student/school personnel.
3. In evaluating whether conduct constitutes harassment, intimidation or bullying, special attention should be paid to the words chosen or the actions taken, whether such conduct occurred in front of others or was communicated to others, how the perpetrator interacted with the victim, and the motivation, either admitted or appropriately inferred.
4. A school-sponsored activity shall mean any activity conducted on or off school property (including school buses and other school-related vehicles) that is sponsored, recognized or authorized by The School.

Section III: Types of Conduct

1. Harassment, intimidation or bullying can include many different behaviors including overt intent to ridicule, humiliate or intimidate another student or school personnel. Examples of conduct that could constitute prohibited behaviors include:
 - a. Physical violence and/or attacks;

- b. threats, taunts and intimidation through words and/or gestures;
- c. extortion, damage or stealing of money and/or possessions;
- d. exclusion from the peer group or spreading rumors; and
- e. repetitive and hostile behavior with the intent to harm others through the use of information and communication technologies and other web-based/online sites (also known as “cyber bullying”), such as the following:
 - i. Posting slurs on websites where students congregate or on weblogs (personal online journals or diaries);
 - ii. sending abusive or threatening instant messages;
 - iii. using camera phones to take embarrassing photographs of students and posting them online;
 - iv. using websites to circulate gossip and rumors to other students; and
 - v. excluding others from an online group by falsely reporting them for inappropriate language to Internet service providers.

Section IV: Complaint Process

1. Publication of the prohibition against harassment, intimidation and bullying and related procedures.
 - a. The prohibition against harassment, intimidation or bullying shall be publicized in any student handbooks and in any of the publications that set forth the comprehensive rules, procedures and standards of conduct for students at the School. In addition, information regarding the policy shall be incorporated into employee training materials. The following statement shall be included:
 - i. Harassment, intimidation, or bullying behavior by any student/school personnel at the School is strictly prohibited, and such conduct may result in disciplinary action, including suspension and/or expulsion from school. Harassment, intimidation, or bullying, in accordance with House Bill 276, means any intentional written, verbal, graphic or physical acts including electronically transmitted acts i.e., Internet, cell phone, personal digital assistant (PDA), or wireless hand-held device, either overt or covert, by a student or group of students toward other students/school personnel with the intent to harass, intimidate, injure, threaten, ridicule or humiliate. Such behaviors are prohibited on or immediately adjacent to school grounds, at any school-sponsored activity, on school-provided transportation or at any official school bus stop that a reasonable person under the circumstances should know will have the effect of:
 1. Causing mental or physical harm to the other student/school personnel including placing an individual in reasonable fear of physical harm and/or damaging of students’/personal property; and

2. is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student/school personnel.

Section V: Complaints

1. Formal complaints

- a. Students, parents or guardians may file reports regarding suspected harassment, intimidation or bullying. Such written reports shall be reasonably specific including person(s) involved, number of times and places of the alleged conduct, the target of suspected harassment, intimidation and/or bullying, and the names of any potential student or staff witnesses. Such reports may be filed with any school staff member or administrator, and they shall be promptly forwarded to the principal for review and action in accordance with Section 7 of this policy.

2. Informal complaints

- a. Students, parents or guardians and school personnel may make informal complaints of conduct that they consider to be harassment, intimidation and/or bullying by verbal report to a teacher, school administrator, or other school personnel. Such informal complaints shall be reasonably specific as to the actions giving rise to the suspicion of harassment, intimidation and/or bullying, including person(s) involved, number of times and places of the alleged conduct, the target of the prohibited behavior(s), and the names of any potential student or staff witness. A school staff member or administrator who receives an informal complaint shall promptly document the complaint in writing, including the above information. This written report by the school staff member and/or administrator shall be promptly forwarded to the principal for review and action in accordance with Section 7 of this policy.

3. Anonymous complaints

- a. Students who make informal complaints as set forth above may request that their name be maintained in confidence by the school staff member(s) and administrator(s) who receive the complaint. The anonymous complaints shall be reviewed and reasonable action will be taken to address the situation, to the extent such action may be taken that (i) does not disclose the source of the complaint, and (ii) is consistent with the due process rights of the student(s) alleged to have committed acts of harassment, intimidation and/or bullying.

4. False complaints

- a. Students are prohibited from deliberately making false reports of harassment, intimidation or bullying. Any complaints made or reports filed alleging harassment, intimidation or bullying, as provided in this

policy, found to be false will be disciplined according to current school disciplinary procedure(s) established and implemented and being consistent with due process rights of all students involved, including the student(s) making such false claims. If it is found that a student made deliberately false claim(s) of harassment, intimidation, or bullying the student is subject to the full range of disciplinary consequences in accordance with Section 7 of this policy and being consistent with due process rights of the student making such false claims.

Section VI: School Personnel Responsibilities and Intervention Strategies

1. Teachers and other school staff
 - a. Teachers and other school staff who witness acts of harassment, intimidation or bullying, as defined above, shall promptly notify the building principal and/or their designee of the event observed, and shall promptly file a written incident report concerning the events witnessed. Teachers and other school staff who receive student or parent reports of suspected harassment, intimidation, and bullying shall promptly notify the building principal and/or their designee of such report(s). If the report is a formal, written complaint, such complaint shall be forwarded promptly (no later than the next school day) to the building principal and/or their designee. If the report is an informal complaint by a student that is received by a teacher or other professional employee, he or she shall prepare a written report of the informal complaint which shall be promptly forwarded (no later than the next school day) to the building principal and/or their designee.
 - b. In addition to addressing both informal and formal complaints, school personnel are encouraged to address the issue of harassment, intimidation or bullying in other interactions with students. School personnel may find opportunities to educate students about harassment, intimidation and bullying and help eliminate such prohibited behaviors through class discussions, counseling, and reinforcement of socially appropriate behavior. School personnel should intervene promptly whenever they observe student conduct that has the purpose or effect of ridiculing, humiliating or intimidating another student/school personnel, even if such conduct does not meet the formal definition of “harassment, intimidation or bullying.”
2. Administrator responsibilities
 - a. Investigation
 - i. The principal and/or their designee shall be promptly notified of any formal or informal complaint of suspected harassment, intimidation or bullying. Under the direction of the building principal and/or their designee, all such complaints shall be

investigated promptly. A written report of the investigation shall be prepared when the investigation is complete. Such report shall include findings of fact, a determination of whether acts of harassment, intimidation or bullying were verified, and, when prohibited acts are verified, a recommendation for intervention, including disciplinary action shall be included in the report. Where appropriate, written witness statements shall be attached to the report.

- ii. Notwithstanding the foregoing, when a student making an informal complaint has requested anonymity, the investigation of such complaint shall be limited as is appropriate in view of the anonymity of the complaint. Such limitation of investigation may include restricting action to a simple review of the complaint (with or without discussing it with the alleged perpetrator), subject to receipt of further information and/or the withdrawal by the complaining student of the condition that his/her report be anonymous.

b. Remedial actions

- i. Verified acts of harassment, intimidation, or bullying shall result in an intervention by the building principal and/or their designee that is intended to ensure that the prohibition against harassment, intimidation or bullying behavior is enforced, with the goal that any such prohibited behavior will cease.
- ii. Harassment, intimidation and bullying behavior can take many forms and can vary dramatically in seriousness and impact on the targeted individual and other students. Accordingly, there is no one prescribed response to verified acts of harassment, intimidation and bullying. While conduct that rises to the level of “harassment, intimidation or bullying,” as defined above, will generally warrant disciplinary action against the perpetrator of such prohibited behaviors, whether and to what extent to impose disciplinary action (detention, in and out-of-school suspension, or expulsion) is a matter for the professional discretion of the building principal. The following sets forth possible interventions for building principals to enforce the board of directors prohibition against “harassment, intimidation or bullying.”

c. Non-disciplinary interventions

- i. When verified acts of harassment, intimidation or bullying are identified early and/or when such verified acts do not reasonably require a disciplinary response, students may be counseled as to the definition of harassment, intimidation or bullying, its prohibition and their duty to avoid any conduct that could be considered harassing, intimidating or bullying.

- ii. If a complaint arises out of conflict between students or groups of students, peer mediation may be considered. Special care, however, is warranted in referring such Lorain Bilinguals to peer mediation. A power imbalance may make the process intimidating for the victim and therefore inappropriate. The victim's communication and assertiveness skills may be low and could be further eroded by fear resulting from past intimidation and fear of future intimidation. In such Lorain Bilinguals, the victim should be given additional support. Alternatively, peer mediation may be deemed inappropriate to address the concern.

d. Disciplinary interventions

- i. When acts of harassment, intimidation and bullying are verified, or a false claim alleging the same is substantiated, and a disciplinary response is warranted, students are subject to the full range of disciplinary consequences. Anonymous complaints that are not otherwise verified, however, shall not be the basis for disciplinary action.
- ii. In and out-of-school suspension may be imposed only after informing the accused perpetrator of the reasons for the proposed suspension and giving him/her an opportunity to explain the situation.
- iii. Expulsion may be imposed only after a hearing before the board of directors or an impartial hearing officer designated by the board of directors in accordance with board policy. This consequence shall be reserved for serious incidents of harassment, intimidation or bullying and/or when past interventions have not been successful in eliminating prohibited behaviors.

3. Intervention strategies

a. General

- i. In addition to the prompt investigation of complaints of harassment, intimidation or bullying and direct intervention when such prohibited acts are verified, other board actions may ameliorate any potential problem with harassment, intimidation or bullying in school or at school-sponsored activities. While no specific action is required and school needs for such interventions may vary from time to time, the following list of potential intervention strategies shall serve as a resource for administrators and school personnel:
 - 1. Respectful responses to harassment, intimidation or bullying concerns raised by students, parents or school personnel;

2. planned professional development programs addressing targeted individuals' problems, including what is safe and acceptable Internet use;
3. data collection to document victim problems to determine the nature and scope of the problem;
4. use of peers to help ameliorate the plight of victims and include them in group activities;
5. avoidance of sex-role stereotyping (e.g., males need to be strong and tough);
6. awareness and involvement on the part of all school personnel and parents with regard to victim problems;
7. an attitude that promotes communication, friendship, assertiveness skills and character education;
8. modeling by school personnel of positive, respectful and supportive behavior toward students;
9. creating a school atmosphere of team spirit and collaboration that promotes appropriate social behavior by students in support of others (Ohio School Climate Guidelines);
10. employing classroom strategies that instruct students how to work together in a collaborative and supportive atmosphere; and
11. form harassment, intimidation and bullying task forces, programs and other initiatives involving volunteers, parents, law enforcement and community members.

b. Intervention strategies for protecting victims

- i. Supervise and discipline offending students fairly and consistently;
- ii. provide adult supervision during recess, lunch time, bathroom breaks and in the hallways during times of transition;
- iii. maintain contact with parents and guardians of all involved parties;
- iv. provide counseling for the victim if assessed that it is needed;
- v. inform school personnel of the incident and instruct them to monitor the victim and the offending party for indications of harassing, intimidating and bullying behavior. Personnel are to intervene when prohibited behaviors are witnessed; and
- vi. check with the victim daily to ensure that there has been no incidents of harassment/intimidation/bullying or retaliation from the offender or other parties.

Section VII: Reporting Obligations

1. Report to the parent or guardian of the perpetrator
 - a. If after investigation, acts of harassment, intimidation and bullying by a specific student are verified, the building principal and/or their designee

shall notify in writing the parent or guardian of the perpetrator of that finding. If disciplinary consequences are imposed against such student, a description of such discipline shall be included in such notification.

2. Reports to the victim and his/her parent of guardian
 - a. If after investigation, acts of bullying against a specific student are verified, the building principal and/or their designee shall notify the parent or guardian of the victim of such finding. In providing such notification, care must be taken to respect the statutory privacy rights of the perpetrator of such harassment, intimidation and bullying.
3. List of verified acts of harassment, intimidation or bullying
 - a. It is a requirement that the School administrators semiannually provide the president of the board of directors a written summary of all reported incidents and post the summary on the School website. The list shall be limited to the number of verified acts of harassment, intimidation and bullying, whether in the classroom, on school property, to and from school, or at school-sponsored events.
 - b. This policy shall not be interpreted to prohibit a reasonable and civil exchange of opinions or debate that is protected by state or federal law such as the nondiscrimination, suspension/expulsion, due process, violent and aggressive behavior, hazing, discipline/punishment, sexual harassment, peer sexual harassment and equal educational opportunity acts.

Section VIII: Police and Child Protective Services

1. Allegations of criminal misconduct will be reported to law enforcement, and suspected child abuse must be reported to Child Protective Services, per required timelines. The School must also investigate for the purpose of determining whether there has been a violation of the School's Policy or Procedure, even if law enforcement or CPS is also investigating. All School personnel must cooperate with investigations by outside agencies.
2. In addition to, or instead of filing a harassment, intimidation or bullying complaint through this policy, a complainant may choose to exercise other options, including but not limited to filing a complaint with outside agencies or filing a private lawsuit. Nothing prohibits a complainant from seeking redress under any other provision of the Ohio Revised Code or common law that may apply.

Section IX: Training

1. Orientation sessions for students shall introduce the elements of this policy and procedure. Students will be provided with age-appropriate information on the recognition and prevention of harassment, intimidation or bullying, and their rights and responsibilities under this and other school policies, procedures and

- rules at student orientation sessions and on other appropriate occasions. Parents will be provided with information about this policy and procedure, as well as information about other school rules and disciplinary policies. This policy and procedure shall be reproduced in student, staff, volunteer and parent handbooks.
2. Information regarding the policy on harassment, intimidation and bullying behavior shall be incorporated into employee and volunteer training materials and with direct contact with students. Time spent by school employees in the training, workshops or courses shall apply toward any state or school mandated continuing education requirements.
 3. School personnel members are encouraged to address the issue of harassment, intimidation and bullying in other interaction with students. School personnel may find opportunities to educate students about bullying and help eliminate bullying behavior through class discussions, counseling and reinforcement of socially appropriate behavior. School personnel should intervene promptly whenever they observe student conduct that has the purpose or effect of ridiculing, humiliating or intimidating another student or school personnel, even if such conduct does not meet the formal definition of “harassment, intimidation or bullying.”

Policy References: ORC §§3313.666, 3313.667

Article II: Title IX Compliance

Section I: General Notice of Non-Discrimination

The School provides an equal opportunity for all students to learn regardless of race, color, creed, disability, religion, sex, ancestry, national origin, social or economic background, or other legally protected category. It is the intention of the School to comply with Title IX of the Education Amendments Act of 1972.

Section II: Title IX Coordinator

The Principal shall designate a Compliance Officer/Title IX Coordinator (the “Title IX Coordinator”) and is responsible for leading investigations into any complaint alleging noncompliance with Title IX. The Title IX Coordinator’s contact information, must be made available to all students, employees, parents or legal guardians, and applicants for admission and employment. The Title IX Coordinator’s contact information must also be displayed in a conspicuous location on the School’s website.

The Coordinator should be involved with the drafting a revision of all policies and procedures to ensure that they comply with the requirements of Title IX.

Section III: Postings

The School shall publish a notice in a conspicuous location on the School’s website which shall contain the following information:

- The General Notice of Non-Discrimination and Board adopted grievance process and policy;
- A statement stating that any person may make a report at any time to a School employee;
- A statement stating that any questions regarding Title IX and the School’s policy may be referred to the Title IX Coordinator;
- Contact information for the Title IX Coordinator including name/title, office address, telephone number, and email; and
- All Title IX materials used to train the Coordinator and School personnel must be published to the School’s website.

Section IV: Title IX Grievance Procedure

The Title IX Grievance Procedure below is meant to provide for timely and equitable resolution of complaints. The School shall respond promptly to Title IX sexual harassment in a manner that is not deliberately indifferent. This means that the School’s response will not be considered unreasonable in light of the known circumstances.

Any individual may report allegations of sex discrimination, including sexual harassment (victim or third-party), by any means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time by using the contact information listed for the Title IX Coordinator.

A School employee or School official receives notice of sexual harassment or allegations of sexual harassment, they shall immediately report it to the Title IX Coordinator.

Subsection A: Grievance Process for Complaints Not Alleging Sexual Harassment

Level I

If a student or employee (the "grievant") believes there is a Title IX grievance, they may present the grievance to the Coordinator. The alleged grievance shall be investigated by the Title IX Coordinator and they shall meet with the grievant and attempt to resolve the matter informally. The decision on the grievance shall be delivered orally to the grievant.

Level II

If the grievant believes that the grievance has not been resolved appropriately, they may make a statement in writing of the alleged grievance to the Governing Authority of the School. This statement must be filed within ten (10) days of the date of the Title IX Coordinator's decision. The statement shall state the nature of the alleged grievance and the relief sought. If the grievant is a student, the Coordinator shall assist in the preparation of the statement and submission to the Governing Authority within the appropriate time frame.

The Board or its designee (1-3 members of the Board) shall make a decision on the grievance and shall give that decision in writing to the Title IX Coordinator and the grievant.

Level III

If the grievant is not satisfied with the decision of the Governing Authority, they may appeal it to the Office of Civil Rights. A complaint should be filed in writing and sent to Office for Civil Rights, U.S. Department of Education, 600 Superior Avenue East, Suite 750, Cleveland, Ohio 44114-2611. Any such written complaint must be filed within one hundred eighty (180) days from the date of the alleged discrimination.

Subsection B : Grievance Process for Complaints of Sexual Harassment

Definitions

For purposes of this grievance process,

"Complainant" means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

“*Formal complaint*” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the School investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the School with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed for the Title IX Coordinator.

“*Respondent*” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

“*Sexual harassment*” means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the School conditioning the provision of an aid, benefit, or service of the School on an individual’s participation in unwelcome sexual conduct (quid pro quo sexual harassment);
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the School’s education program or activity; or
- (3) “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30).

“*Supportive measures*” means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the School’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the School’s educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The School must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the School to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

Training

Any individual designated by the School as a Title IX Coordinator, investigator, decision-maker, or any person designated to facilitate an informal resolution process, shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. In addition, these individuals shall not require,

allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

All Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, shall receive training on the definition of sexual harassment, the scope of the School's education program or activity, how to conduct an investigation and grievance process (including hearings, appeals, and informal resolution processes, as applicable), and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

The School will also ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence, and that decision-makers receive training on any technology to be used at a live hearing, and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.

Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment.

Presumption of No Responsibility

Throughout this grievance procedure, there shall be a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. In addition, the School shall not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

The School must comply with this grievance process before the imposition of any disciplinary sanctions, or other actions that are not supportive measures, against a respondent.

The investigation of the grievance shall include an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence – and credibility determinations may not be based on a person's status as a complainant, respondent, or witness. The standard of evidence to be used to determine responsibility will be the clear and convincing evidence standard.

Good Cause Delay

There may be a temporary delay of the grievance process or a limited extension of time-frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

Level I – Response to Report

Upon receiving a report of sexual harassment, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. The School will maintain as confidential any supportive measures provided before or after the filing of a formal complaint or where no formal complaint has been filed, to the extent that maintaining such confidentiality would not impair the ability of the School to provide the supportive measures.

Level II – Formal Complaint

Upon receipt of a formal complaint (or later as additional allegations become known), the School will provide the following written notice to the parties who are known:

(A) Notice of the School's grievance process that complies with this section, including any informal resolution process.

(B) Notice of the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. The written notice must include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process. The written notice must inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence. The written notice must also inform the parties of any provision in the School's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the School decides to investigate allegations about the complainant or respondent that are not included in the foregoing notice provided, the School must provide notice of the additional allegations to the parties whose identities are known.

The School may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

Investigation:

The Title IX Coordinator or his/her designated investigator will investigate the allegations in a formal complaint. When investigating a formal complaint and throughout the grievance process, the Title IX Coordinator or his/her designated investigator must:

- (A) Remain neutral and impartial during the investigative process, and must not have a conflict of interest for or against complainant(s) or respondent(s);
- (B) Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the School and not on the parties provided that the School cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the School obtains that party's voluntary, written consent to do so for a grievance process (if a party is not an "eligible student," as defined in 34 CFR 99.3, then the School must obtain the voluntary, written consent of a "parent," as defined in 34 CFR 99.3);
- (C) Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
- (D) Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
- (E) Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding; however, the School may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;
- (F) Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;
- (G) Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the School does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, the School must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least ten (10) business days to submit a written response, which the investigator will consider prior to completion of the investigative report;
- (H) Keep party and witness identities confidential except as permitted by law or the Family Educational Rights and Privacy Acts (FERPA); and
- (I) Create an investigative report within thirty (30) business days of receipt of a formal complaint that fairly summarizes relevant evidence and, at least ten (10)

business days prior to a time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

Question and Answer Period

After the School has sent the investigative report to the parties, the Title IX Coordinator or his/her designated investigator shall submit the investigative report to the **Regional Vice President** as decision-maker to reach a determination regarding responsibility. The decision-maker cannot be the same person(s) as the Title IX Coordinator or the investigator(s).

Before reaching a determination regarding responsibility, the **Regional Vice President** must afford each party five (5) business days to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. However, questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The **Regional Vice President** must explain to the party proposing the questions any decision to exclude a question as not relevant.

Dismissal

The School must investigate the allegations in a formal complaint. If the conduct alleged in the formal complaint would not constitute sexual harassment even if proved, did not occur in the School's education program or activity, or did not occur against a person in the United States, then the School must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX. However, such a dismissal does not preclude action under another provision of the School's code of conduct.

The School may also dismiss the formal complaint or any allegations therein, if at any time during the investigation: a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; the respondent is no longer enrolled or employed by the School; or specific circumstances prevent the School from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon a dismissal, the School will promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties.

Determination Regarding Responsibility

The **Regional Vice President** as decision-maker must issue a written determination regarding responsibility within fifteen (15) business days of the conclusion of the question and answer period.

The written determination must include:

- (A) Identification of the allegations potentially constituting sexual harassment;
- (B) A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;
- (C) Findings of fact supporting the determination;
- (D) Conclusions regarding the application of the School's code of conduct to the facts;
- (E) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the School imposes on the respondent, and whether remedies designed to restore or preserve equal access to the School's education program or activity will be provided by the School to the complainant; and
- (F) The School's procedures and permissible bases for the complainant and respondent to appeal.

The School must provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the School provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

If a determination of responsibility for sexual harassment has been made against a respondent, the School will provide remedies to a complainant. The Title IX Coordinator is responsible for effective implementation of any remedies. Possible remedies to the complainant that the School may implement include: counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures or individualized services offered as may be appropriate and reasonably available, without fee or charge to the complainant, that are designed to restore or preserve equal access to the School's education program or activity, to protect the safety of the complainant or the School's educational environment, or to deter sexual harassment.

Possible disciplinary sanctions the School may implement following any determination of responsibility by the respondent may include: suspension, expulsion, reprimand, documenting the occurrence in the personnel file, referral to counseling, withholding of a promotion, demotion, reassignment, temporary suspension without pay, termination of employment, or any other disciplinary measures outlined in the School's code of conduct or Staff Handbook.

Level III – Appeal to Executive Vice President Natalee Long

Either the complainant or respondent, or their parent or guardian, may appeal from a determination regarding responsibility or from a dismissal of a formal complaint, or any allegations therein. Any such appeal shall be in the form of a written statement challenging the outcome, and be received by the Title IX Coordinator within ten (10) business days of the determination.

The appeal may be on one or more of the following bases:

- (A) Procedural irregularity that affected the outcome of the matter;
- (B) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- (C) The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

The Title IX Coordinator shall give the written appeal to an **Executive Vice President Natalee Long** for decision.

Within three (3) business days of receipt, the Title IX Coordinator shall also provide notice to the other party in writing that the appeal was filed. The other party shall then be provided five (5) business days to submit a written statement in support of, or challenging, the outcome.

Within fifteen (15) business days after the time for the other party to submit a written statement has passed, the **Executive Vice President Natalee Long** shall issue a written decision describing the result of the appeal and the rationale for the result, and provide the written decision simultaneously to both parties.

For all appeals, the School must ensure that the decision-maker(s) for the appeal: (i) not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent; (ii) receive training on the definition of sexual harassment, the scope of the School's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; (iii) receive training on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant; and (iv) receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Office for Civil Rights

If the student (or their parent or guardian) or employee is not satisfied with the grievance process determination, he or she may appeal it to the Office for Civil Rights.

A student (or their parent or guardian) or employee who believes there is a basis for a grievance related to Title IX may file a written complaint with the Office for Civil Rights, U.S. Department of Education, 600 Superior Avenue East, Suite 750, Cleveland, Ohio 44114-2611. Any such written complaint must be filed within one hundred eighty (180) days from the date of the alleged discrimination, or, if this grievance procedure is utilized, within sixty (60) days after the last act of the grievance process.

Informal Resolution Process

The School may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment.

Similarly, the School may not require the parties to participate in an informal resolution process, and may not offer an informal resolution process unless a formal complaint is filed. However, at any time prior to reaching a determination regarding responsibility the School may facilitate an informal resolution process that does not involve a full investigation and adjudication, provided that the School:

- (A) Provides to the parties a written notice disclosing: the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;
- (B) Obtains the parties' voluntary, written consent to the informal resolution process; and
- (C) Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

Any such informal resolution process should not exceed ten (10) business days.

Emergency Removal

Nothing in this grievance procedure precludes the School from removing a respondent from the School's education program or activity on an emergency basis, provided that the School undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. However, this provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

Administrative Leave

Nothing in this grievance procedure precludes the School from placing a non-student employee respondent on administrative leave during the pendency of a grievance process. However, this provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

Recordkeeping

The School must maintain for a period of seven years records of:

- (A) Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the School's education program or activity;
- (B) Any appeal and the result therefrom;
- (C) Any informal resolution and the result therefrom; and
- (D) All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The School must make these training materials publicly available on its website, or if the School does not maintain a website the School must make these materials available upon request for inspection by the public.

For each response to a report or formal complaint of sexual harassment in an education program or activity, the School must create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the School must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the School's education program or activity. If the School does not provide a complainant alleging sexual harassment with supportive measures, then the School must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the School in the future from providing additional explanations or detailing additional measures taken.

Retaliation Prohibited

Neither the School, nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this grievance procedure, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation or proceeding in this grievance procedure. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal

complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this grievance procedure, constitutes retaliation.

The School must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination complaints not alleging sexual harassment. The exercise of rights protected under the First Amendment does not constitute prohibited retaliation under this grievance procedure. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of this grievance procedure does not constitute prohibited retaliation under this grievance procedure, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

See 34 CFR part 106

Appendix A
Formal Complaint of Sexual Harassment

Name: _____ **Date:** _____

Name of the Individuals Involved in the Incident:

Date and Location of the Alleged Incident: _____

Description of Conduct Constituting Sexual Harassment:

I acknowledge that the information I have provided is not false. Further, I acknowledge that if I knowingly make a false statement or submit false information, it will be in violation of the School's Bullying, Harassment, and Intimidation Policy.

Signature: _____ **Date** _____

APPENDIX 2

INTERNET SAFETY POLICY

ARTICLE I PURPOSE

It is the policy of Lorain Bilingual Preparatory Academy to:

1. prevent users from accessing or transmitting inappropriate material over its computer resources via the Internet, electronic text/mail, or other forms of direct electronic communications;
2. prevent unauthorized access and other unlawful online activity;
3. prevent unauthorized online disclosure, use, or dissemination of personal identification information of minors; and
4. comply with the Children’s Internet Protection Act [Pub. L. No. 106-554 and 47 USC 254(h)].

ARTICLE II ACCESS TO INAPPROPRIATE MATERIAL

To the extent practical, technology protection measures including Internet filters shall be used on Lorain Bilingual Preparatory Academy provided computers to block or filter the Internet or other forms of electronic communications and access to inappropriate information. The School filters Internet access through the use of z-Scaler Web Security.

Specifically, as required by the Children’s Internet Protection Act (CIPA – for more information on the CIPA requirements, please visit this URL: <http://www.fcc.gov/guides/childrens-internet-protection-act>), blocking shall be applied to visual depictions of material deemed obscene or to child pornography or to any material deemed harmful to minors.

Subject to staff supervision, technology protection measures may be disabled or, in the case of minors, minimized only for bona fide research or other lawful purposes.

ARTICLE III INAPPROPRIATE TECHNOLOGY RESOURCE USAGE

To the extent practical, steps shall be taken to promote the safety and security of users of Lorain Bilingual Preparatory Academy’s online computer systems when using electronic mail, chat rooms, instant messaging, and other forms of direct electronic communications.

Specifically, as required by the Children’s Internet Protection Act prevention of inappropriate network usage includes:

1. unauthorized access, including “hacking,” and other unlawful activities; and
2. unauthorized disclosure, use, and dissemination of personal identification information regarding minors.

ARTICLE IV

TRAINING: STUDENT SAFETY AND DIGITAL CITIZENSHIP

To help ensure student safety and citizenship in online activities, students will be educated about appropriate behavior, including interacting with other individuals on social networking websites and in chat rooms, and cyber-bullying awareness and response.

ARTICLE V

SUPERVISION AND MONITORING

School and network administrators and their authorized employees monitor the use of information technology resources to help ensure that uses are secure and in conformity with this policy. Administrators reserve the right to examine, use, and disclose any data found on the school's information networks in order to further the health, safety, discipline, or security of any student or other person, or to protect property. They may also use this information in disciplinary actions, and will furnish evidence of crime to law enforcement.

As noted above, every school-issued computer is preinstalled with an Internet content filter pursuant to federal regulations. The filter is not to be removed because it blocks access to sites deemed inappropriate as well as sites that have no educational value. Social networking sites, pornography, gambling, and proxy sites are blocked through the filter. Uses of instant messenger applications are not permitted on the school computers and are also blocked.

When students are working outside of school facilities, or the direct supervision of school staff, parents must monitor their children's compliance with these standards. Students who violate these standards may face a loss of Internet access, the loss of school-owned computer equipment, other disciplinary measures, and/or legal action. Procedures for the disabling or otherwise modifying any technology protection measures shall be the responsibility of the School's Executive Director.

APPENDIX 3

CODE OF CONDUCT/ SUSPENSION, EXPULSION, REMOVAL, AND PERMANENT EXCLUSION POLICY

Students are expected to conduct themselves in such a way that they respect and consider the rights of others. Lorain Bilingual Preparatory Academy (“School”) students must conform with school regulations and accept directions from authorized school personnel. The School will not tolerate violent, disruptive or inappropriate behavior by its students. Such behavior is punishable and will result in disciplinary action which may include suspension, exclusion or other forms of discipline.

This Code of Conduct applies to any student, whether or not the student is enrolled at the School, attending or otherwise participating in any curricular or extra-curricular program provided in a school operated by the Board or provided on any other property owned or controlled by the Board. The Code of Conduct also applies while a student is in the custody or control of the School, on School grounds or close thereto, while at a School-sponsored function or activity or on “School provided transportation” (as herein defined). In addition, this Code of Conduct governs a student's conduct at all times, on or off school property, when such student conduct is reasonably related to the health and safety of other students and/or School employees, or such conduct would unreasonably interrupt the educational processes of the School.

Students and parents shall be provided annually (at the beginning of the school year or upon enrollment in the School) written information on the rules and regulations to which students are subject while in school and while participating in any school-related activity or event. The information provided shall include the types of misconduct for which a student is subject to suspension or expulsion from school or other forms of disciplinary action. The Board directs the administration to make all students aware of this student Code of Conduct and the fact that any violations of the student code of conduct are punishable. This Code of Conduct / Suspension, Expulsion, Removal and Permanent Exclusion Policy shall be posted in a central location in the School and also made available to students and parents upon request.

If a student violates the Code of Conduct, school personnel, students or parents should report the student to the appropriate principal or assistant principal. The administration will cooperate in any prosecution pursuant to the criminal laws of the State of Ohio and local ordinances.

Students’ basic constitutional rights to speak and express opinions, even if they are unpopular, will be respected. When misconduct occurs, each student will have due process rights under the law.

The teacher is the key figure in school discipline. The teacher is expected to make every effort to handle the usual problems in maintaining classroom discipline. When a disciplinary problem becomes acute enough to involve the school administrator, then the teacher should seek the assistance of the school leader (hereinafter “school leader” or “principal”). Under these circumstances, both the teacher and the school leader will give due process rights to the student.

Levels of Offenses

Truancy and chronic absenteeism are addressed separately from these levels of offenses. Acts of misconduct that are not specifically attendance-related are categorized into the following four levels of offenses:

A. Level I: Violation of general classroom, bus or school rules – Level I consists of minor offenses that generally occur in the classroom, on school provided transportation (“school provided transportation” is defined to include school buses and other vehicles supplied by the School for student transportation), or on school premises and can be corrected by the teacher, the driver or school leader.

B. Level II: Conduct requiring administrative intervention – Level II consists of offenses that are more serious in nature or persistent, repeated, or serious Level I misconduct.

C. Level III: Suspension and/or removal from the classroom to an alternative learning environment – Level III consists of offenses that significantly disrupt the educational process, school environment, and/or school-related activities, including school provided transportation, or persistent, repeated, or serious Level I or II misconduct.

D. Level IV: Expulsion and/or removal from the classroom to an alternative learning environment – Level IV consists of serious offenses which include willful or malicious acts that have the effect of materially and substantially disrupting the educational environment in the School, on school provided transportation or at school activities or Level I, II, or III infractions depending on the severity or persistence of the act.

Level I Offenses

Rule 1: Dress Code. The Board believes that student dress should enhance a positive image of students and the School. The standards of dress and grooming outlined are necessary to promote discipline, maintain order, secure student safety, and provide a healthy environment that is conducive to learning.

(A) When a student is at school, participating in School activities or at School-sponsored events, his/her dress and grooming must not:

- I. Present a health or safety hazard to the student or to others in the School or attending the School-sponsored activity;
- II. Materially interfere with school work, create disorder, or disrupt the educational environment;
- III. Cause excessive damage or wear-and-tear to School property; and/or
- IV. Keep the student from participating safely in his/her own education.

(B) To facilitate a consistent pattern of application of the student dress code, the following standards shall be applied:

- I. Shirts and tops must cover all undergarments and have high enough necklines to cover all cleavage. Strapless, crop, and see-through tops are not acceptable;
- II. Lower garments should not drag on the floor or allow undergarments to be exposed when the student sits, stands, raises his/her hand, or bends over. Form-fitting lower garments must be worn under a shirt, skirt or dress that extends to the thighs;
- III. No skin should be visible between a student's top and bottom garment when the student sits, stands, raises his/her hand or bends over;
- IV. Clothing or accessories that include obscene, violent, gang, tobacco, drug or alcohol related writing or images are not acceptable. Items of clothing that belittle others may not be worn (*i.e.*, race, religion, gender, *etc.*);

- V. Coats and jackets meant for outdoor wear, book bags and oversized bags must be kept in the school locker or other designated area during the school day;
- VI. Facial hair must be kept neat and clean;
- VII. Recreational head coverings and sunglasses should not be worn inside any building; and
- VIII. Appropriate footwear must be worn to provide for safe and sanitary conditions.

(C) Building administrators shall judge student dress and grooming in individual buildings. The school leader may exclude (*i.e.*, not admit to class, remove, or suspend) any student, when in his/her judgment, the student is not following appropriate dress and grooming standards.

(D) Exceptions to these standards may be considered based on personal circumstance, cultural beliefs, and to promote school spirit. Students who request an exception must have parental permission to do so and obtain permission from the building administrator prior to deviating from the standards of dress. A parent conference may be requested by the building administrator.

Rule 2: Tardiness. A student shall be prompt to school and to class according to its scheduled time. Note: No student will be suspended or expelled solely for tardiness or absenteeism though students may be subject to other disciplinary actions and/or required to participate in one or more absence intervention program(s).

Rule 3: Student Drivers. To promote safety and enable the School to effectively supervise students immediately before and immediately after School hours, only students who secure a valid School parking permit are allowed to park on School property.

Rule 4: Miscellaneous Offenses. Disciplinary problems such as not doing required homework, throwing objects in School, and other such offenses are prohibited and may result in disciplinary actions.

Level I Disciplinary Options

Disciplinary options or responses to Level I offenses will include one or more of the following:

- A. Verbal correction
- B. Teacher-student conference
- C. Student-counselor conference
- D. Teacher-parent conference
- E. Behavioral probation
- F. Detention (maintained by teacher before or after school or during recess)
- G. Parent shadowing
- H. Restriction of transportation privileges by the school leader
- I. Other appropriate disciplinary action
- J. Serious, persistent, or repeated violations may be treated as Level II or III infractions

Level II Offenses

Rule 5. Skipping Detention. A student assigned to detention shall report on the assigned day and at the assigned time.

Rule 6: Forgery. A student shall not change a grade or place the name of a parent, guardian, teacher or other individual as representative of that individual's signature on a school document or on an official document for school purposes.

Rule 7: Use of Tobacco. A student shall not use or possess tobacco or any tobacco products such as cigarettes, cigars, dip, chewing tobacco, *etc.*

Rule 8: Gambling. A student shall not participate in gambling.

Rule 9: Stealing. A student shall not steal or attempt to steal school property or private property of other students or School personnel or of visitors to the School.

Rule 10: Insubordination. A student shall not repeatedly violate rules or fail to comply with directions of teachers, student teachers, substitute teachers, teacher aides, drivers of school provided transportation, principals, or other authorized school personnel.

Rule 11: Violation of Ohio Criminal, Traffic, or Juvenile Code. Commission by a student of any act in violation of the Ohio Criminal Code, Ohio Traffic Code, or the Ohio Juvenile Code on or off the School grounds, regardless if School related or not, that would, in the judgment of School officials, be a detriment to the ongoing educational processes and/or orderly administration of the School if the student were permitted to continue regular school attendance.

Rule 12: Violation of the Network Acceptable Use Policy. Students must have a signed Acceptable Use Agreement before gaining access to the School's computer network. Students shall abide by the School's Network Acceptable Use Policy and any school or classroom rules for network access.

Rule 13: Personal Communication Devices. Students may possess and use personal communication devices (PCDs) on School property, School provided transportation, or at School-sponsored activities only during approved times and for approved purposes. Student use of PCDs on School property is a privilege and not a right. This privilege may be revoked by the School at any time. The School reserves the right, in its sole discretion, to determine which types of PCDs it will allow students to use. Such determinations are subject to change. Notwithstanding the foregoing, Students may possess and use PCDs on School property and at School-sponsored curricular and extra-curricular activities when specifically permitted by staff or administration of the School. Such use shall not create a distraction, disruption, or otherwise interfere with the educational environment. Authorized student use of PCDs shall include the following:

- A. Before and after the student instructional day;
- B. During designated lunch periods;
- C. In between class periods. However, PCDs must be powered off and stored out of sight prior to the start of and during the entirety of any class period;
- D. During participation in curricular and extra-curricular activities for instructional or educational purposes, and at the discretion of the teachers, student teachers, substitute teachers, teacher aides, drivers, principals, or other authorized school personnel;
- E. When 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.

Rule 14: Academic Dishonesty. Students shall not cheat on tests; shall not copy tests, assignments or papers; shall not plagiarize; and shall not violate copyright policy or law.

Level II Disciplinary Options

Disciplinary options or responses to Level II offenses will include any of the previous (Level I) options and/or one or more of the following:

- A. Parental contact by phone and written or oral notification to parent or guardian
- B. Behavioral probation
- C. Administrator/ school leader/ teacher/student conference
- D. Detention
- E. Parent shadowing
- F. Exclusion from extracurricular activity
- G. Mediation
- H. Behavioral contract
- I. Confiscation
- J. Temporary removal of the student from the classroom
- K. In-school suspension
- L. Friday/Saturday school
- M. Suspension of transportation privileges
- N. Monetary restitution for damages
- O. Report to Juvenile Court and/or Bureau of Motor Vehicles
- P. Another appropriate disciplinary option or logical consequence determined by the school leader
- Q. Serious, persistent, or repeated Level II misbehavior may result in a more serious consequence, including, but not limited to, any disciplinary option for a Level III offense or expulsion

Level III Offenses

Rule 15: Disruption of School. A student shall not by use of violence, force, noise, coercion, threat, intimidation, fear, passive resistance, or any other conduct intentionally cause the substantial and material disruption or obstruction of any lawful mission, process, or function of the School. Disruption will include, among other things as determined by the school leader, threats to shoot someone or to cause a mass shooting event.

Rule 16: Damage or Destruction of School or Private Property. A student shall not intentionally cause or attempt to cause damage to public or private property, including, but not limited to, that of other students, teachers, administrator, other school employees, and visitors.

Rule 17: Discrimination and Harassment. No student shall harass or discriminate against any student, employee or other person on the basis of race, color, national origin, citizenship status, religion, sex, economic status, marital status, pregnancy, age or disability. No student shall retaliate, coerce or intimidate any person who exercises their right to file a complaint of harassment or discrimination, or who participates in the investigation of such complaint. Any participant in a School activity who believes this rule has been violated should report the matter immediately to his or her teacher or to the School Principal.

Rule 18: Bullying/Assaults/Hazing/Dating Violence. A student shall not harass, haze, bully, retaliate against, coerce, interfere with, intimidate, inflict injury, cause another to inflict injury, or behave in any way which could cause physical injury or mental anguish to another student, teacher, or other school personnel. These acts are prohibited on school property, on school provided transportation, or at school-sponsored events. A student shall not intentionally direct to another student, teacher or other school employee words, phrases, or gestures which are vulgar, obscene, or degrading. Students are prohibited from using a Personal Communication Device (PCD) to violate this Rule.

Any student or student's parent/guardian who believes the student has been or is the victim of behavior prohibited by this Rule should immediately report the situation to the student's teacher or to the School Principal. The student may also report concerns to other teachers and school staff who will be responsible for notifying the appropriate administrator.

Every student is encouraged, and every staff member is required, to report student behavior prohibited by this Rule. Reports should be made to those identified above.

All complaints about behavior that may violate this Rule shall be promptly investigated pursuant to Board Policy controlling such investigations. For purposes of this rule, "harassment, intimidation or bullying" is defined as any intentional written, verbal, electronic or physical act that a student exhibits toward another particular student more than once and the behavior (1) causes mental or physical harm to the student and (2) is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student; or violence within a dating relationship.

For the purposes of this rule, "dating violence" is defined as the intentional use of physical, sexual, verbal, or emotional abuse by a person to harm, threaten, intimidate, or control another person in a dating relationship.

Rule 19: Extortion. A student shall not extort or cause others to extort money or personal property from other students or School personnel.

Rule 20: Narcotics, Alcoholic Beverages, Drugs, Counterfeit or Look-Alike Drugs and Drug Paraphernalia. A student shall not possess and shall not receive, buy, use, transmit, sell, or be under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, controlled substance, any illegal mind-altering substance, inhalant or intoxicant of any kind.

A student shall not possess and shall not receive, buy, use, transmit, sell, or be under the influence of any counterfeit controlled substance. A counterfeit controlled substance is any substance that is made to look like a controlled substance or is represented to be a controlled substance or that a student believes to be a controlled substance.

Except as legitimately provided for in Policy, a student shall not buy, sell, transfer, possess, or use any drug, medication, inhalant or other substance which can be taken internally where the student or students involved cannot show a legitimate health or other reason for the use of such substances.

Drug paraphernalia shall not be worn, carried, or brought to school or school events.

Students found to be in violation of this rule shall be suspended or expelled.

Rule 21: Acts of Immorality. Possession of indecent, obscene or pornographic matter is prohibited. Engaging in sexual acts, displaying excessive affection, or other inappropriate behavior with a person of the same or opposite sex is prohibited.

Rule 22: Fighting. Students shall not engage in intentional efforts to cause physical harm to a student or staff member. Neither shall students intentionally incite another student to engage in willful physical conflict or combat.

Rule 23: Direct Threat. Students shall not intentionally commit or promote any act or expression of a threatening nature directed to any individual or group of teachers, other staff members, students or other groups at school.

Level III Disciplinary Options

Disciplinary options or responses to Level III offenses will include any of the previous (Level II) options as well as:

- A. Out-of-school suspension
- B. In-school suspension
- C. Removal from the classroom to an alternative learning environment
- D. Serious or repeated Level III misbehavior may result in a more serious consequence, including but not limited to expulsion
- E. Another appropriate disciplinary option or logical consequence determined by the administrator.

Level IV Offenses

Rule 24: Weapons and Dangerous Instruments. A student shall not possess, handle, transport, carry, use, conceal, or transmit any objects that can reasonably be considered a weapon, a firearm (including any object represented as a firearm or made, construed, or altered so that, to a reasonable person without specialized training in firearms, the object appears to be a firearm), a knife, or other dangerous object of no reasonable use to the student.

1. Any student who is determined to have brought a firearm as defined below to School or onto other property owned or property controlled by the School **shall** be expelled for one (1) year. The Principal or Superintendent may reduce this action on a case-by-case basis in accordance with this policy. An expulsion under this paragraph shall extend into the following school year.
2. Any student who is determined to have brought a firearm to an interscholastic competition, an extracurricular event, or other school program or activity that is not located on school property or property controlled by the school, **may** be expelled by the superintendent for a period of one (1) year. The superintendent may reduce this action on a case-by-case basis in accordance with a policy established by the Board. An expulsion under this paragraph shall extend into the following school year.

3. A student who possesses a firearm at School, on property controlled by the school, or at any interscholastic competition, extracurricular event or school-related activity shall be expelled by the superintendent for a period not to exceed one (1) year, subject to reduction of this term by the Principal or Superintendent on a case-by-case basis. An expulsion under this paragraph may be extended by the superintendent into the following school year.
4. A student who possesses a knife or dangerous object capable of causing serious bodily injury at school or on property controlled by the school or to any interscholastic competition, an extracurricular event or school activity sponsored by the School with intent to use such knife or dangerous object to cause injury or damage to another person or to property shall be expelled by the superintendent for a period not to exceed one year. An expulsion under this paragraph may be extended by the superintendent into the following school year.

“Firearm” shall have the same meaning as provided in the “Gun-Free Schools Act,” 115 Stat. 1762, 20 USC 7151.

“Knife” shall be defined as any device consisting of a sharp blade three (3) inches or longer in length, whether or not fastened to a handle, designed or intended for use as a cutting instrument.

“Dangerous object” shall be defined as a device which is or may be used to cause harm to another person, including, but not limited to, a club, chain, razor, or other sharp blade less than three (3) inches in length, metal knuckles, noxious irritants, chemicals, or explosive or incendiary devices.

Rule 25: Bomb Threat. A student who makes a bomb threat to a school building or to any premises at which a school activity is occurring at the time of the threat shall be expelled for a period of one year, subject to reduction of this term by the Principal or Superintendent on a case-by-case basis. Any expulsion for a violation of Rule 25 shall extend into the school year following the school year in which the incident took place.

Rule 26. Criminal Act Resulting in Physical Harm. A student who commits an act that is a criminal offense when by committed by an adult and results in serious physical harm to person(s) or property while the student is at school, on any other property owned or controlled by the Board or at any school-related activity or extracurricular event, may be expelled by the superintendent for a period up to one (1) year, subject to reduction of this term by the Principal or Superintendent on a case-by-case basis. Any expulsion for a violation of Rule 26 shall extend into the school year following the school year in which the incident took place.

Suspension

I. General

The School Leader will determine the length of the suspension (up to ten days) and whether the suspension will be served in-school or out-of-school on a case-by-case basis.

The parameters for completing and grading assignments missed because of a pupil's suspension are as follows:

1. The pupil shall have an opportunity to do both of the following:
 - a. Complete any classroom assignments missed because of the suspension;
 - b. Receive at least partial credit for a completed assignment.
2. This policy permits grade reductions on account of the pupil's suspension subject to the approval of the Principal or Superintendent.
3. This policy prohibits the receipt of a failing grade on a completed assignment solely on account of the pupil's suspension.

Generally, students in grades pre-kindergarten through three (3), shall not be given out-of-school suspensions. An out-of-school suspension may be imposed upon students in grades pre-kindergarten through three (3) for violating Rules 24, 25, or 26. Also, students in grades pre-kindergarten through three (3) may be given an out-of-school suspension as necessary to protect the immediate health and safety of the student, classmates, and teachers and staff. Whenever possible, the School Leader shall consult with a mental health professional before suspending the student. If the events leading up to the suspension indicate a need for additional mental health services, the School Leader or mental health professional shall, in any manner that does not result in a financial burden to the School, assist the student's parent or guardian with locating or obtaining those services, including referral to an independent mental health professional.

Any student suspended is not permitted to participate in any extracurricular activities.

II. In-School Suspensions

If a student is issued an in-school suspension, the School Leader will ensure the student is serving the suspension in a supervised learning environment. Notification of an in-school suspension shall be given to the student and the students' parent, guardian, or custodian in the same manner as other forms of discipline.

III. Out-of-School Suspension Procedure

The following procedure does not apply to in-school suspensions.

The School Principal or Administrator may only issue an out-of-school suspension by using the following procedure. Prior to the imposition of the suspension:

- a. A written notice of intent to suspend will be given to the student, which contains the following:
 - i. The reason for the intended suspension; and
 - ii. If the suspension is based on one of the serious criminal offenses listed in Ohio Revised Code 3313.622(A) for which permanent exclusion is allowed, and if the student is age 16 or older, the notice must also indicate the possibility that the School Principal may seek permanent exclusion.
- b. The student must be allowed an informal hearing before the School Principal or designee to challenge the reasons for the intended suspension or otherwise explain his/her actions. The student is not entitled to call witnesses at the informal hearing.

If an out of school suspension is imposed during the last ten (10) days of the academic year, the suspension will not be carried over into the following year. However, the superintendent may require the student to participate in a community service program or another alternative consequence (the school leader is to prepare a list of alternative consequences) for the number of hours equal to the remaining part of the period of suspension. The student shall begin the community service or alternative consequence during the first full week day of summer break. If the student does not complete the assigned community service or alternative consequence, the school may determine its next course of action, which shall not include the student serving the remaining time of the out-of-school suspension at the beginning of the following school year.

Expulsion

I. General

Except as provided under *Level IV* offenses above, the term of a student expulsion shall be limited to the greater of 80 days or the number of school days remaining in the semester or term in which the incident giving rise to expulsion occurs. In the event that the term of expulsion exceeds the number of school days left in the school year, the Superintendent may apply all or any part of the period of expulsion to the following school year.

Mitigating Circumstances: The School Superintendent shall consider, on a case-by-case basis, all of the relevant facts and circumstances of the misconduct underlying the expulsion including (a) applicable Ohio or federal laws, (b) the student's disability, and (c) extent of culpability of the student. The Principal of Superintendent may reduce the period of expulsion if, in the judgment of the Principal or Superintendent:

- A. The student has not engaged previously in other serious misconduct, whether or not similar to the misconduct underlying the expulsion;
- B. The misconduct was committed under circumstances not likely to reoccur;
- C. The student shows genuine remorse for the misconduct; and
- D. The student is not likely to engage in further serious misconduct.

The Principal shall notify the appropriate criminal justice or juvenile delinquency authorities of these determinations. In the event the School or Principal later determines that such notification was in error or that the determinations reflected in the notifications have changed, the Principal shall provide supplemental notice of such error or change in the same manner.

Generally, students in grades pre-kindergarten through three (3), shall not be expelled. An expulsion may be imposed upon students in grades pre-kindergarten through three (3) for violating Rules 24, 25, or 26. Also, students in grades pre-kindergarten through three (3) may be expelled as necessary to protect the immediate health and safety of the student, classmates, and teachers and staff. Whenever possible, the School Leader shall consult with a mental health professional before expelling the student. If the events leading up to the expulsion indicate a need for additional mental health services, the School Leader or mental health professional shall, in any manner that does not result in a financial burden to the School, assist the student's parent or guardian with locating or obtaining those services, including referral to an independent mental health professional.

Any student expelled is not permitted to participate in any extracurricular activities.

II Expulsion Procedures

The following procedure is required before the student's expulsion:

1. Prior to the imposition of the expulsion, the Superintendent must provide the student and the student's parent, guardian, or custodian written notice of the intention to expel and provide an opportunity to appear in person before the superintendent or designee to challenge the reasons for the intended expulsion. The notice must include the following:
 - a. The reasons for the intended expulsion;
 - b. Notification of the opportunity of the student and the student's parent, guardian, or custodian, or representative to appear in person before the superintendent or designee to challenge the reasons for the intended expulsion or otherwise explain the student's actions
 - c. The time and place for a hearing, which must be scheduled not less than three (3) nor more than five (5) school days after giving the notice, unless the period is extended by the Superintendent at the request of the student or the student's parent, custodian, guardian, or representative. The parent, guardian, custodian, or representative must be sent written notice of any extension, and the new time and place to appear.
 - d. If the student is age 16 or older and the expulsion is for one of the serious criminal offenses listed in Ohio Revised Code 3313.622(A) for which permanent exclusion is allowed, the notice must also indicate the possibility that the Superintendent may seek permanent exclusion.

2. Within one (1) school day after the expulsion is imposed at the hearing, the Superintendent shall provide written notification to the parent, guardian, or custodian of the student and the treasurer of the Board of the expulsion. The notice must include:
 - a. The reasons for the expulsion;
 - b. Notification of the right to appeal to the Board or its designee. The notice must also explain that the intent to appeal must be in writing and received by the Board within 14 days after receiving the notice;
 - c. The right to representation at all appeal proceedings;
 - d. The right to an appeal hearing before the Board or its designee to be heard against the expulsion;
 - e. The right to request that the hearing be held in executive session;
 - f. Notice that the expulsion may be extended pursuant to Ohio Revised Code 3313.66(F) if the student is sixteen years of age or older;
 - g. If the expulsion is based on one of the serious criminal offenses listed in Ohio Revised Code 3313.622(A) for which permanent exclusion is allowed, and if the student is age 16 or older, the notice must also indicate the possibility that the School may seek permanent exclusion if the student is convicted of or adjudicated a delinquent child for the violation;
 - h. When the Superintendent expels a student for more than twenty (20) school days or for any period of time extending into the next semester or school year, the School shall provide, along with this notice, the student and the student's parent, guardian, or custodian, with information about services or programs offered by public and private agencies that work toward improving those aspects of the student's attitudes and behaviors that contributed to the incident giving rise to the expulsion. The notice shall include the names, address, and phone numbers of the agencies.

The Superintendent is required to initiate expulsion proceedings on expellable offenses even if the student in question withdraw from the School prior to the hearing or the decision to impose expulsion. If it is determined that the student would have been expelled had the student still been enrolled, the expulsion shall still be imposed and the requirements under this policy following the imposition of expulsion are to be followed.

The Superintendent may apply any remaining part or all of the period of expulsion into the following year.

If the student's expulsion is appealed to the Board or its designee in the manner outlined in the above notice provisions, the student or the students' parent, guardian, or custodian may be represented in appeal proceedings and shall be granted a hearing; pursuant to a request, the Board may hold the hearing in executive session, but its decision may only be made at a public meeting. The Board by a majority vote of its full membership, or by action of the designee, may affirm the expulsion, reinstate the student, or otherwise reverse, vacate, or modify the order. A verbatim record of the hearing is to be made.

Emergency Removal

A student who poses a continuing danger to persons or property or an ongoing threat of disrupting academic progress in the School may be immediately removed, without notice and hearing, from curricular activities by a teacher; such student may be immediately removed, without notice and hearing, the administrator, principal, or assistant principal may remove the student from curricular activities and from the school premises. The teacher, as soon as practicable, shall submit in writing to the principal the reasons for the removal.

An emergency removal of a student in grades **pre-kindergarten through three (3)** may be for the remainder of the school day and the student shall be permitted to return to curricular and extracurricular activities on the following school day without a notice or hearing. A student in grades prekindergarten through three (3) shall not be suspended out-of-school or expelled, unless the student's conduct warranting the emergency removal is a violation of Rules 24, 25, or 26.

If an emergency removal of a student in grades **four (4) through twelve (12)** is made, the student must be provided with notice of a hearing and the reason for the removal. As soon as practicable after the emergency removal of a student, written notice shall be given to the student of the reason(s) for the removal and the date, time and place of a hearing on the removal, which hearing shall take place on the next school day after the removal. The individual who ordered, caused or requested the removal shall be present at the hearing.

Unless it is likely that the student will face expulsion for the behavior resulting in emergency removal, the hearing shall be conducted as described in the *Suspensions* section above except that the hearing shall occur on the next school day following the removal.

If it is likely that the student will face expulsion for the behavior resulting in emergency removal, the hearing shall be conducted as described in the *Expulsions* section above except that it shall occur on the next school day after the removal.

If, prior to the hearing, the student is reinstated to curricular activity by the Principal or Superintendent, the teacher supervising the student on reinstatement may request a written explanation of the reinstatement.

Permanent Exclusion

The Board may request an adjudication order of permanent exclusion of a student from the Superintendent of Public Instruction at the Ohio Department of Education on the recommendation of the Superintendent or Principal of the School. The student and student's parent, guardian, or custodian shall be notified in writing of the School's intent to recommend permanent exclusion.

A recommendation of permanent exclusion may be made by the School's Superintendent or Principal must include (A) proof that the student was sixteen (16) years of age or older at the time of the offense which resulted in expulsion and was convicted of or adjudicated a delinquent child for behavior, the commission of which as an adult would have been a violation of ORC §§ 2923.122, 2923.12, 2925.11, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2907.02 or 2907.05 or any substantially similar ordinance, (B) the written determination(s) of the Superintendent or Principal that the student's continued attendance in school may endanger the health and safety of other students or school employees, and (C) a copy of the written notice provided to the student and the student's parent or guardian of the School's intent to recommend permanent exclusion.

Within fourteen days after receipt of a recommendation of permanent exclusion from the School's Superintendent or Principal, the Board may adopt a resolution requesting an order of permanent exclusion from the Ohio Superintendent of Public Instruction. Prior to adopting such a resolution, the Board shall review and consider all of the following available information:

- A. The academic record of the student and a record of any extracurricular activities in which the student previously was involved;
- B. The disciplinary record of the student and any available records of the student's prior behavioral problems other than the behavioral problems contained in the disciplinary record;
- C. The social history of the student;
- D. The student's response to the imposition of prior discipline and sanctions imposed for behavioral problems;
- E. Evidence regarding the seriousness of and any aggravating factors related to the offense that is the basis of the resolution seeking permanent exclusion;
- F. Any mitigating circumstances surrounding the offense that gave rise to the request for permanent exclusion;
- G. Evidence regarding the probable danger posed to the health and safety of other students or of school employees by the continued presence of the student in a public school setting;
- H. Evidence regarding the probable disruption of the teaching of any school's graded course of study by the continued presence of the student in a public school setting;
- I. Evidence regarding the availability of alternative sanctions of a less serious nature than permanent exclusion that would enable the student to remain in a public school setting without posing a significant danger to the health and safety of other students or of school employees and without posing a threat of the disruption of the teaching of any school's graded course of study.

If the Board does not adopt a resolution requesting an order of permanent exclusion, it shall immediately send written notice of that fact to the recommending Superintendent or Principal, the student and the student's parent, guardian, or custodian.

If the court proceeding instituted because of the offense resulting in expulsion is not concluded, and the student was 16 years of age or older at the time of the offense, the superintendent may file a motion in the court requesting an order extending the expulsion pursuant to Ohio Revised Code 3313.66(F)(1) or if the court proceedings have concluded and the school is seeking an order of permanent exclusion from the Ohio superintendent of public instruction, but the Ohio superintendent of public instruction has yet to issue an order regarding permanent exclusion, pursuant to Ohio Revised Code 3313.66(F)(2) the superintendent of the school may file a motion with the court requesting an order to extend the expulsion until the Ohio Superintendent had made a determination.

Discipline/Suspension/Expulsion of Students with Disabilities

In matters relating to the disciplining of students with disabilities, the Board of Directors shall abide by federal and state laws regarding suspension and expulsion. The School Principal will follow the guidelines below and ensure they are properly used when disciplining any student with a disability.

Removals of Not More Than 10 Days – The 10-Day Rule

The School may unilaterally remove a Student with a disability who violates a code of student conduct from the Student's current placement for not more than ten (10) school days. This option may be used only if the disciplinary action is consistent with actions taken against nonstudents with disabilities. The School may place Students removed under the 10-day rule in an appropriate interim alternative educational setting (“IAES”) if applicable (see below), another setting, or suspend them. Removals under the 10-day rule are not considered a “change of placement” and the School is not obligated to provide services to Students during those removals. The School can use the 10-day rule to remove a student for either a single removal of ten (10) consecutive school days; or a series of shorter-term removals over the course of the school year that are more than ten (10) school days during that school year, so long as those removals do not constitute a pattern of removals (and therefore, a change of placement). When a removal is not a change of placement, an IEP meeting is not required.

Removals of More than 10 Days – Change of Placement

A change of placement occurs if a removal is for more than ten (10) consecutive school days; or if a student is subjected to a series of removals which accumulate to more than ten (10) school days, that constitute a pattern. This may occur for either suspensions or expulsions. If a change of placement occurs (after a Manifestation Determination Review (see below)), then the School must notify the parents, guardians, or custodian of that decision. This notice must inform the parents or guardians of all the procedural safeguards accorded under the law. These safeguards include a Manifestation Determination Review, a right to receive services, and a continuation of services for a free appropriate public education (FAPE). The School must provide services that:

- enable the student to continue to participate in the general education curriculum (although in another setting); and
- enable the student to progress toward meeting the goals set out in the Student's IEP.

Manifestation Determination Review (“MDR”)

Before imposing disciplinary consequences that would amount to a change of placement, the School will conduct an MDR to examine a Student's behavior. The purpose of the MDR is to determine whether a Student's disability caused, influenced or otherwise impacted the Student's behavior in question. To make this determination, the Student's IEP team is required to review certain information and determine whether the behavior causing the disciplinary infraction is or is not a manifestation of the Student's disability.

No later than the date on which the decision to take a disciplinary action which may be a change of placement is made, the School must notify the parents or guardians of that decision and of all procedural safeguards, including the MDR. The School and the parents or guardians must determine which members of the IEP team are relevant to conduct the manifestation determination. The team will review all relevant information in the Student's file to determine (1) whether the conduct in question was caused by, or had a direct and substantial relationship to, the Student's disability or (2) was the direct result of the School's failure to implement the IEP. If the team determines that either condition is applicable for the Student, it must determine that the conduct is a manifestation of the Student's disability.

Manifestation – If the team determines that the behavior was a manifestation of the student's disability, the full IEP team must then:

- conduct a functional behavior assessment and implement a behavior intervention plan for the student, unless the School conducted a functional behavior assessment prior to the manifestation determination;
- if the IEP team already developed a behavior intervention plan, it must review and modify the plan as necessary to address the behavior; and
- return the Student to the placement from which he or she was removed.

No Manifestation – If the team determines that the behavior was not a manifestation of the disability, the School may discipline the Student using the relevant disciplinary procedures applicable to Students without disabilities in the same manner and for the same duration, continuing to provide services to Students with disabilities.

If a student's behavior was not a manifestation of the disability, the School will still take steps to attend to the Student's behavior. The student must receive, as appropriate, a functional behavior assessment, behavioral intervention services, and modifications designed to address the behavior violation in order to attempt to prevent a reoccurrence.

Exceptions to the MDR Requirement – The Unilateral Change in Placement and 45-Day Rule

School personnel may remove a Student to an IAES for up to forty-five (45) school days, without a prior MDR or IEP meeting, when a student:

- carries or possesses a weapon (a device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except that the term does not include a pocket knife with a blade of less than 2 1/2 inches in length);
- knowingly possesses or uses illegal drugs (a controlled substance not legally possessed or used under the supervision of a licensed health care professional, or legally possessed or used under any other authority under the Controlled Substances Act (21 U.S.C. 812) or under any other provision of federal law), or sells or solicits the sale of a controlled substance (a drug or other substance identified under Schedule I, II, III, IV or V in the Controlled Substances Act); or

- has inflicted serious bodily injury on another person (a cut, abrasion, bruise, burn or disfigurement, physical pain, illness, impairment of the function of a bodily member, organ or mental faculty, or any other injury, no matter how temporary).

This authority can be exercised if a student commits any of the offenses described above at the School, on the School premises, or at a School function.

The IEP team will meet subsequent to the unilateral placement in an IAES and must:

- determine what the permanent setting will be,
- take steps to modify the student's IEP, as appropriate,
- provide appropriate behavioral intervention services and modifications designed to address the behavior violation so that it does not recur, and
- continue to provide the student with educational services to enable him or her to participate in the general education curriculum and to progress toward IEP goals.

The School must still conduct an MDR, but it can occur after the removal to the 45-day setting. If the conduct is a manifestation of the student's disability, the School must still meet all of the requirements outlined above for the MDR, with the additional exception that the Student stay in the alternative placement for 45 school days, regardless of the outcome of the manifestation.

Due Process Complaint

Parents or guardians who disagree with any decision regarding placement or the outcome of an MDR may appeal the decision through the filing of a due process complaint and may request an expedited due process hearing.

The School may request a hearing to change a Student's placement if the School believes that maintaining the Student's current placement is substantially likely to result in injury to the student or others. Under those circumstances, the hearing officer may order a change in placement of a student with a disability to an IAES for a period of up to forty-five (45) school days if the hearing officer agrees with the School's assessment.

During any due process proceedings, the student's placement, through a disciplinary action, must not change unless the parents/guardians and the School agree otherwise, or upon admissions to the School and parent/guardian consent.

In the case where a student has been placed in an IAES, the Student will remain in the IAES chosen by the School, pending the hearing officer's decision or until the time period expires, whichever occurs first, unless the Parent and School agree otherwise. An expedited hearing will be arranged during an IAES appeal and will occur within twenty (20) days of the hearing request, and the hearing officer must make a determination within ten (10) school days after the hearing.

Disciplining a 504 Student

Section 504 Manifestation Determination Reviews

A Student on a 504 Plan is to be afforded due process relating to any proposed change in educational placement where the student is subject either to expulsion or suspension for a period of more than ten (10) consecutive school days or a series of suspensions that are each ten (10) or fewer school days in duration, but exceed ten (10) school days in the aggregate and create a pattern of exclusions. In all such cases, except in the case where such suspension or expulsion pertains to the use or possession of illegal drugs or alcohol as detailed below, the School shall follow the procedures pertaining to discipline/suspension/expulsion of students with disabilities.

Disciplinary Procedures for Students Possessing or Using Alcohol or Illegal Drugs

The School may take disciplinary action pertaining to the use or possession of illegal drugs or alcohol against any Student on a 504 Plan who currently is engaging in the illegal use of drugs or in the use of alcohol to the same extent that such disciplinary action is taken against students without disabilities.

Emergency Removal from Placement

Emergency removal of a 504 student from his/her current placement may take place through parental agreement to an interim placement or through injunctive relief from a court, when the current placement presents a substantial likelihood of resulting in injury to the student or others.

LEGAL REFS:

Gun Free Schools Act, 115 Stat. 1762, 20 U.S.C. 7151

29 USC 701

Section 504 of the Rehabilitation Act of 1973

ORC §§ 2923.122, 2923.12, 2925.11, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2907.02, 2907.05, 3301.121, 3313.66, 3313.661, 3313.662, 3313.668, 3314.03

OAC § 3301-18-301