

Community Letter re "Rape" case
August 06,2022

Explanation re: Student Privacy Rights District Statement

Recently, it was reported that a plea agreement was arranged among the Wood County Prosecutor, victims families, and two accused Perrysburg juveniles. A court order was issued by the Wood County Juvenile Court. This has generated a great deal of attention, and many questions from families and the community to school district officials. As a school district, we are prevented by Ohio and federal laws from being able to address specific student information. Many matters have confidential aspects that prevent us from sharing details, which can be frustrating, understandably. But, we will attempt to address those questions that can be answered in a general way.

The school district has no authority in the juvenile court proceedings, including the orders that were issued by the Court here. The school district had no authority to determine innocence or guilt in these juvenile court cases. The district does work very closely with the Wood County Juvenile Courts, Wood County Probation Department, and Wood County Prosecutor's Office. These institutions have a reputation of being very protective of victims and the communities that they serve. Court orders generated from plea deals, including the terms under which the court has decided these two students must conduct themselves for the next two years are provided to the school district. The staff members at the schools work to comply with those orders and conditions when applicable.

In Ohio, students have the right to attend school and receive a free and appropriate public education in the district where their parent resides. The School Board and administrators have very limited authority when it comes to denying students access to this legal right. For example, suspensions cannot exceed 10 days without a formal hearing, expulsions cannot exceed 80 days for incidents not involving weapons, and incidents involving weapons cannot exceed 180 days.

For matters that occur outside school, it is up to the court system to determine if the student(s) can return to the school and if so, under what conditions. In Wood County, at any given time, there are a number of juveniles who are ordered to the Wood County Juvenile Detention Center and are not returned to their homes or school.

In this matter, based on the plea agreement that was agreed upon by all parties, the juveniles were authorized to return home and attend school. The Court placed some restrictions on these two students' activity whether at school or outside of school, such as limited and supervised access to the internet, and no contact with the victims. The Court in issuing these orders considered what takes place during the school day and in co-curricular activities. The Wood County Probation Office works with school officials in implementing those orders.

In terms of the plea deal involving these students, Wood County Prosecutor shared the following statement with WTOL 11 on August 2, 2022:

Both juveniles entered admissions to certain charges, some of them amended. As part of the agreement, some charges were dismissed. The court deferred an adjudication against the juveniles (essentially a finding of guilt) pursuant to a rule

giving the judge the authority to do so, pending their compliance with orders the judge gave them which they must follow.

This means from the court's perspective the juveniles are not found guilty (or innocent) and the final ruling (adjudication) was deferred or not acted upon by the judge. The prosecutor continued in his statement to WTOL 11:

Violation of these orders would result in the court entering an adjudication against them and a more formal disposition. So they are currently under orders similar to probation, though not formally adjudicated delinquent. There are no future hearings set.

This means that if the orders issued by the court are not followed by the juveniles, the court will then take action (adjudication) against the juveniles, which may include sentencing them. The Prosecutor concluded his statement with:

For one juvenile, the rape charges were dismissed when he entered an admission to a charge of pandering sexually-oriented matter involving a minor or impaired person. The other juvenile's rape charges were amended to charges of gross sexual imposition and he admitted to those. Going forward, they are required to follow the rules imposed by the court, which include no contact with the victims, restrictions on contact with other minors, and restrictions on internet and social media activity. They will be supervised by the juvenile probation department, which has standard rules of its own. As stated before, violation of any of these orders would result in the court entering an adjudication of delinquency against them. Should they not violate, it is possible that the court could end up dismissing the cases at some point in the future.

The juveniles will be supervised by the juvenile probation department. If the students violate the terms of the order, the court will take action. If the juveniles do not violate, it is possible that the cases may be dismissed.

Often when students return from being away from school or involved in court proceedings as a victim, district staff may meet with those students' families, listen to their concerns and create a safety plan for all interested parties. Student safety plans are not limited to court orders or terms of probation but can be created, for example, to address student medical and mental needs.

Questions have been raised about juveniles who are in the court system and/or on probation who participate in co-curricular activities, including athletics. There are several Board policies that address students participating in co-curriculars that are applicable to such scenarios.

Under Perrysburg Schools Board Policy 5530.01 - Co-Curricular Code of Conduct and Drug Testing Policy, students involved in extracurricular activities are subject to a code of conduct for behaviors that occur outside of school. Policy 5530.01 states: "Any conduct by a participant that may be deemed by the administration to be both of a serious nature, and a violation of state, local, or federal criminal or juvenile law" is a violation of the Co-Curricular Code of Conduct.

In addition to the policy above, other policies govern extracurricular activities and student conduct. Under Perrysburg Schools Board Policy 5610.05 - Prohibition from Extra-Curricular Activities, it states:

“Participation in extra-curricular activities, including interscholastic sports, is a privilege and not a right. Therefore, the Board of Education authorizes... personnel... to prohibit a student from participating in any particular or all extra-curricular activities of the District for offenses or violations of the Student Code of Conduct/Student Discipline Code for a period not to exceed the remainder of the school year in which the offense or violation of the Student Code of Conduct/Student Discipline Code took place.”

Policy 5610.05, above, reinforces the school district’s right to apply the student code of conduct/student discipline code for offenses but to do so *“for a period not to exceed the remainder of the school year in which the offense or violation... took place.”*

Between these two policies, the schools may consider *Student Code of Conduct/Student Discipline Code* violations for those offenses that are *“of a serious nature, and a violation of state, local, or federal criminal or juvenile law”* but *“for a period not to exceed the remainder of the school year in which the offense or violation... took place.”*

The school district cannot comment on specific student educational information under FERPA, including whether students have been disciplined or if they are subject to co-curricular violations.

Many of the emails that the school district is now receiving are asking what school consequences may have been imposed in connection with this incident. The school district cannot respond to those questions.

In the eyes of the Wood County Juvenile Court, this matter has not been resolved until such time that the juveniles have either completed the diversion program or violated the terms of the court order. The school district is committed to providing a safe learning environment for all students. It has been our experience that the Wood County Juvenile Court System and Wood County Prosecutor’s Office take their responsibilities very seriously. The school district takes its responsibility of providing a safe learning environment very seriously as well.

In all cases, the district strives to prioritize the education of its students and the safety of the school community while complying with its legal obligations. We ask that the community trust that the decisions the district makes with respect to student discipline are made carefully and conscientiously considering the district’s responsibilities and the particular facts of the situations in question.

We hope this communication answers many of your questions.