

SUSPENSION AND EXPULSION
(Attachment for Policy No. 233)

Definitions

Alternative education - a system of options for students that provides a high quality academic program and supports that address the diverse needs of students significantly at risk of dropping out of school, returning from court-sponsored placements, and those subject to disciplinary transfer or expulsion.

Expulsion - the exclusion of a student from the district, by a majority vote of the Board, for a period exceeding ten (10) consecutive school days. Expulsions may be permanent or for a specified period of time.

In-school suspension - an exclusion from the classroom that allows a student to remain under the direct supervision of school personnel.

Long-term suspension - an exclusion from school and/or any school activity or function for a period of four (4) to ten (10) consecutive school days.

Short-term suspension - exclusion from school and/or any school activity or function for a period of three (3) consecutive school days or less.

Suspension - the exclusion of a student from school for a period of one (1) to ten (10) consecutive school days.

Exclusion From School - Suspension

Kindergarten, first and second grade students, in lieu of suspension, must be referred to the counselor for a meeting to discuss appropriate behavioral or behavioral health interventions and supports, unless the students' actions result in a serious bodily injury. In order to prove serious bodily injury, the school must provide medical documentation to the Office of Student Rights and Responsibilities and the Assistant Superintendent for their approval.

The principal or person in charge of the school may suspend any student for violation(s) of the Code of Student Conduct for up to ten (10) consecutive school days and shall immediately report the suspension and the reason(s) for the suspension in writing to the Superintendent or designee.

Prior approval by the Deputy Chief of the Office of Student Rights and Responsibilities and or the Assistant Superintendent is required for all suspensions exceeding four (4) school days.

A student shall not be suspended for more than four (4) days at a time except in cases where the principal in conjunction with the Assistant Superintendent and the Deputy Chief for Student Rights and Responsibilities determines that the student's continued presence poses a threat of disruption to the academic process, or a threat to the safety of the school community.

Suspensions may not be made to run consecutively beyond the ten-school day period.

No student may be given a short-term or long-term suspension without a student conference with the building principal or designee. Prior notice of a suspension is not required where it is clear that the health, safety or welfare of the school population is threatened.

In addition to holding a student conference, the district shall immediately notify the student's parent/guardian in writing when the student is given a long-term suspension of the opportunity for an informal hearing/parental conference to review the reason(s) for the suspension.

The informal hearing/parental conference shall take place as soon as reasonably possible following the commencement of a long-term suspension, but no later than the third day of the long-term suspension unless both parties agree otherwise, and shall comply with the requirements of due process.

Informal hearings/parental conferences under this provision shall be conducted by the building principal or person in charge of the school.

Student Conferences

The purpose of the student conference is to notify the student of the reasons for which s/he is suspended; give the student an opportunity to respond to allegation(s); discuss the student's behavior and corrective action(s); and document the student's behavior and intervention.

Informal Hearings/Parental Conferences

The purpose of the informal hearing/parental conference is to permit the student to explain the circumstances surrounding the event leading to the suspension, to show why the student should not be suspended, and to discuss ways to avoid future offenses.

Due Process Requirements for Informal Hearing/Parental Conference.

The student and parent/guardian shall be given written notice of the reasons for the suspension.

The student and parent/guardian shall receive sufficient notice of the time and place of the informal hearing/parental conference.

The student may question any witnesses present at the informal hearing/parental conference.

The student may speak and produce witnesses who may speak at the informal hearing/parental conference.

The school district shall offer to hold the informal hearing/parental conference within the first three (3) days of a long-term suspension.

In addition, parents/guardians and students shall be notified of their rights to request to review student records and any witness statements.

Exclusion From Class - In-School Suspension

No student may receive an in-school suspension without notice of the reasons for which s/he is suspended and an opportunity to be heard prior to the time the suspension becomes effective. The parent/guardian shall be informed of the suspension action taken by the school.

The district shall provide for the student's education during the period of in-school suspension.

Expulsion

The Board may expel from the district rolls any student whose misconduct, disobedience, and/or violation of the Code of Student Conduct warrants this sanction. No student shall be expelled without an opportunity for a formal expulsion hearing before the Board, a duly authorized committee of the Board, or a qualified hearing examiner appointed by the Board.

Expulsions shall be brought before the Board by the Superintendent or designee, who shall notify the Board that the district is recommending a student for expulsion.

The Board shall weigh all of the evidence presented by the district and by the student's parents/guardians at the formal expulsion hearing before scheduling a vote on the question of whether the student should be expelled.

The Board shall vote at a parents/guardians of the date of the vote prior to the vote taking place. The parents/guardians shall be afforded the opportunity to address the Board at the public meeting, consistent with Board policy.

Expulsions shall be effective upon the affirmative vote of a majority of the Board.

Expulsions shall be permanent unless a period of time for the expulsion is specified at the time the Board votes on the expulsion. Expulsions for weapons-related offenses shall be for at least one (1) year; however, the Board may consider imposing a lesser sanction for a weapons offense if recommended by the Superintendent because of special circumstances presented by the student and/or the student's parents/guardians.

Expulsion Hearings

A formal hearing shall be required in all expulsion actions.

Delay is necessary due to the condition or best interests of the victim in cases of juvenile or criminal court involving sexual assault or serious bodily injury.

The formal hearing shall observe the due process requirements of:

Notification of the charges in writing by certified mail to the student's parent/guardian.

At least three (3) days' notice of the time and place of the hearing, which shall include a copy of this policy, hearing procedures, and notice of the right to representation by legal counsel. A student may request the rescheduling of the hearing when s/he demonstrates good cause for an extension.

The hearing shall be private unless the student or parent/guardian requests a public hearing.

Representation by counsel at the parent's/guardian's expense.

Parent/guardian may attend the hearing.

Disclosure of the names of witnesses against the student and copies of their written statements or affidavits.

The right to request that witnesses against the student appear in person and answer questions or be cross-examined.

The right to testify, make arguments and present witnesses on the student's behalf.

A written or audio record shall be kept of the hearing and a copy made available to the student at the student's expense, or at no charge if the student is indigent.

The hearing shall be held within fifteen (15) school days of the notice of charges, unless a delay is mutually agreed to by both parties or is delayed by:

The need for laboratory reports from law enforcement agencies.

Evaluations or other court or administrative proceedings are pending due to a student's invoking his/her rights under the Individuals With Disabilities Education Act (IDEA).

Notice of a right to appeal the results of the hearing shall be provided to the student with the expulsion decision.

Adjudication

A written adjudication shall be issued after the Board has acted to expel a student. The adjudication may include additional conditions or sanctions.

Attendance/School Work During Suspension and Prior to Expulsion

Students serving an out-of-school suspension must make up missed exams and work, and shall be permitted to complete assignments pursuant to established guidelines.

Students recommended for expulsion shall be placed in their normal classes during the period prior to the formal expulsion hearing and the decision of the Board if the formal hearing is not held within the ten-school day suspension.

If it is not possible to hold the formal hearing within the first ten (10) school days, the school district may exclude such a student from class for up to five (5) additional – fifteen (15) total – school days if, after an informal hearing/parental conference, it is determined that the student's presence in his/her normal class would constitute a threat to the health, safety or welfare of others. Any student so excluded shall be provided with alternative education.

Any further exclusion prior to a formal hearing may be only by mutual agreement. Such students shall be given alternative education, which may include home study.

Attendance/School Work After Expulsion

Students who are under seventeen (17) years of age are still subject to compulsory school attendance even though expelled and shall be provided an education.

The parent/guardian has the initial responsibility of providing the required education and shall, within thirty (30) days, submit written evidence to the school that the required education is being provided or that they are unable to do so. If the parent/guardian is unable to provide for the required education, the school district shall, within ten (10) days of receipt of the parent's/guardian's notification, make provision for the student's education.

The Board may provide an educational program to the student immediately upon expulsion and may waive the 30-day period, at its discretion.

Readmission of Expelled Students

Students who have been permanently expelled from the school district may apply for readmission to the district. Permanent expulsion includes being expelled to a district-operated alternative school. Temporarily expelled students need not apply for readmission for the reason that they are automatically readmitted to the district upon the expiration of the expulsion period.

The Board delegates authority for all readmission decisions to the Superintendent or designee, who shall have the final decision regarding readmission.

Expungement of Records of Expelled Students

A student who has been permanently or temporarily expelled may apply to the district for expungement of the records of expulsion. The Board delegates authority for all decisions as to expungement of records of expelled students to the Superintendent or designee, who shall have the final decision regarding expungement.

Students With Disabilities

A student with a disability shall be provided educational services as required by state and federal laws and regulations and Board policies.