

# STDNT10.2 - Student Discipline: Student Suspension

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## S - Student

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### FOB

### STUDENT SUSPENSION

#### LOCAL

A student may be removed from contact with other students as a temporary measure. The authority to suspend a student for up to ten (10) days after an informal hearing is held rests with the Superintendent, principal, or other school officials granted this power by the Governing Board of the School District. If a danger to students or staff members is present, the Superintendent may immediately remove the student from school, with prior contact with the parents and with a notice and hearing following as soon as practicable. Each suspension shall be reported to the Governing Board within five (5) days by the person imposing it.

In all cases, except summary suspension where a clear and present danger is evident, the student shall remain in school until applicable due process procedures are instituted. In *no* instance shall students be released early from school unless parents have been notified.

The Superintendent may designate a hearing officer for suspension hearings.

#### REGULAR EDUCATION STUDENTS

##### *Suspension for ten days or less:*

*Step 1:* The student will receive notice, written or oral, of the reason for suspension and the evidence the school authorities have of the alleged misconduct. After having received notice, the student will be asked for an explanation of the situation. The authorized District personnel shall make reasonable efforts to verify facts and statements prior to making a judgment.

*Step 2:* Provided that a written record of the action taken is kept on file, authorized District personnel may:

- a. Suspend the student for up to ten (10) days.
- b. Choose other disciplinary alternatives.
- c. Exonerate the student.
- d. Suspend the student for ten (10) days pending a recommendation that the student be given a long-term suspension or expulsion or both.

When suspension is involved:

- a. A parent must be notified before the student is allowed to leave campus. If no parent contact can be made, the student may be isolated until dismissal time and then given a written message to the parents.
- b. A letter to the parents will be written within a reasonable time to explain the terms (including the possibility that a long-term suspension and/or expulsion is being recommended) and reasons for the suspension and to request a meeting to solicit their help.
3. No appeal is available from a short-term suspension.

##### *If Suspension is for ten days or more:*

*Step 3:* If the offense is one that could result in a suspension of over ten (10) days, in addition to Step 1 and Step 2, a formal hearing will be arranged and conducted by a hearing officer or by the Superintendent.

*Step 4:* A formal letter to the responsible parent or guardian will be mailed by certified mail with return receipt requested or delivered by hand (with an adult witness present) at least five (5) working days prior to the formal hearing. A copy of this letter will remain on file, and the letter should contain the following information:

1. The charges and the rule or regulation violated.
2. The extent of the punishment to be considered.
3. The date, time, and place of the formal hearing.
4. A designation of the District's witnesses.
5. That the student may present witnesses.
6. That the student may be represented by counsel at student's expense.
7. If a hearing officer has been designated, the name of the hearing officer.

*Step 5:* A formal hearing will be held, during which the student will be informed of the following:

1. Nothing in these procedures shall be construed to prevent the students who are subject to the action and their parents or legal guardians and legal counsel from attending any executive (closed) session pertaining to the proposed disciplinary action, or from having access to the minutes and testimony of such session or from recording such a session at the parent's or legal guardian's expense.
2. The student is entitled to a statement of the charges and the rule or regulation violated.
3. The student may be represented by counsel, without bias to the student.
4. The student may present witnesses.
5. The student or counsel may cross-examine witnesses presented by the District.
6. The burden of proof of the offense lies with the District.
7. Either the hearing must be recorded on tape or an official record must be kept in some other appropriate manner. In addition, parents are to be allowed to tape-record the hearing at their own expense.
8. The District has the right to cross-examine witnesses, and may be represented by an attorney.

*Step 6:* The decision and appeal procedure, if applicable, upon the conclusion of the hearing will be as follows:

1. Upon the conclusion of a hearing by a hearing officer in which a decision of long-term suspension is made, the decision may be appealed to the Board. To arrange such an appeal, the parent(s) of the suspended student or the student must deliver to the Superintendent a letter directed to the Board within five (5) days after receiving written notice of the long-term suspension. The letter must describe in detail any objections to the hearing or the decision rendered.
2. The appeal to the Board will be on the record of the hearing held by the hearing officer. If the Board determines that the student was not afforded due process rights or that this policy was not followed in all substantive respects, the student shall be given another hearing. If the Board determines that the punishment was not reasonable, they may modify the punishment.
3. The decision of the Board is final.

## SPECIAL EDUCATION STUDENTS

*Suspension for ten days or less.* Short-term suspension (ten days or less) may be used for special education students for disciplinary reasons on the same basis as for a regular education student. This is not considered a change of placement.

*Step 1:* The student will receive notice, written or oral, of the reason for suspension and the evidence the school authorities have of the alleged misconduct.

1. After having received notice, the student will be asked for an explanation of the situation.
2. The authorized District personnel involved shall make reasonable efforts to verify facts and statements prior to making a judgment.

*Step 2:* Provided that a written record of the action taken is kept on file, authorized District personnel may:

- a. Suspend the student for up to ten (10) days.
  - b. Choose other disciplinary alternatives.
  - c. Exonerate the student.
  - d. Suspend the student for ten (10) days pending a recommendation that the student be given a long-term suspension or expulsion or both.
2. When suspension is involved:
- a. A parent must be notified before the student is allowed to leave campus. If no parent contact can be made, the student may be isolated until dismissal time and then given a written message to the parents.
  - b. A letter to the parents will be written within a reasonable time to explain the terms (including the possibility that a long-term suspension and/or expulsion is being recommended) and reasons for the suspension and to request a meeting to solicit their help.
3. No appeal is available from a short-term suspension.

### ***IF Suspension for over ten days***

If a special education student is recommended for a suspension of more than ten (10) days during the school year (a possible change in placement), a manifestation determination conference must be held.

*Step 3:* A recommended suspension of a special education student for more than ten (10) consecutive days, or a series of suspensions totaling more than ten (10) days, may constitute a change of placement and shall require a manifestation determination conference. Such a conference shall be for the purpose of determining whether or not the offense is a manifestation of the student's disability.

*Step 4:* If the offense is not a manifestation of the disability of the student, the student may be suspended by following the District policies for students in general, provided that educational services are continued during the period of disciplinary removal for a student with a disability qualified under the Individuals with Disabilities Education Act (IDEA). A student with a disability qualified for educational services under the Americans with Disabilities Act or Section 504 of the Rehabilitation Act of 1973, and not qualified under IDEA, may be suspended or expelled from school, and educational services may be ceased, if nondisabled students in similar circumstances do not continue to receive educational services.

*Step 5:* If the behaviors are a manifestation of the disability of the student, the District may not extend the suspension of the student beyond the initial ten (10) school days. An exception to the above allows for an IDEA qualified student to be given a change in placement to an interim alternative educational setting for not more than forty-five (45) days, in accord with federal law and regulation, if the removal is for IDEA-defined drug or weapons offenses or is based upon a due process hearing officer's determination that injury to the child or another is substantially likely if the current placement is maintained.

Any interim alternative educational setting must be selected so as to enable the child to continue to progress in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the child's current IEP; and include services and modifications which are designed to prevent the behaviors for which the placement was made from recurring.

### ALTERNATIVE TO OUT-OF-SCHOOL SUSPENSION

Students meeting the following requirements may participate in an alternative to suspension program described below at the determination of the Superintendent:

- A. Suspension from school has been determined as the punishment for an offense
- B. The immediate suspension was not due to:
  1. Threatening an educational institution
  2. Selling, using or possessing weapons, firearms, explosives, or dangerous instruments
  3. Making a bomb threat
  4. Engaging in arson

C. The student has admitted to or taken responsibility for the act upon which suspension was imposed in a written statement signed by the student and attested to by the student's parent or guardian.

D. The student and parent or guardian has received a written admonition that the suspension as originally determined will be imposed summarily and, in its entirety, should the student violate the conditions or requirements of the Alternative to Suspension Program. (Note: Follow appropriate dismissal procedures.)

E. Parent(s) or guardian(s) shall agree to participate by:

1. Establishing and monitoring in consultation with the school a supervisory routine limiting the student's contact to that which is necessary with other students and friends during the program.

The Alternative to School Suspension Program shall be discipline intensive, requiring academic work, and, as determined, may involve community service, groundskeeping, and litter control. Parents will participate by providing support.

#### EARLY READMISSION PROCEDURES

The Superintendent may authorize early readmission of a student suspended for more than ten (10) days. The student shall be considered for readmission only upon completion of the major portion of the suspension. The following conditions must be met:

A. A written request must be submitted to the Superintendent on behalf of the student by the student's parent or guardian asking for readmission and requesting a meeting to determine any requirements.

B. Accompanying the written request shall be a summary of the student's activities and accomplishments during the suspension period written and signed by the student and signed and attested to by the parent or guardian. (Parents of elementary-grade students may prepare the summary.)

C. At the time of the meeting to review the request the student may be required to explain the incident or incidents leading up to the suspension.

D. The determination to allow readmission may be based on, but not limited to, the following elements:

1. The age of the student.

2. The frequency, type, and relative magnitude of previous misbehavior by the student.

3. The relative severity of the event(s).

4. Whether the student's behavior violated civil or criminal laws.

5. The degree to which the incident(s) interfered with the educational process.

6. The extent to which the event created endangerment to the student, others or property.

7. Special intellectual, psychological, emotional, environmental and physical characteristics of the student.

8. The student's attitude concerning the event(s).

9. The expressed intent concerning the student's future behavior.

E. Should early readmission be granted, the student, with parent or guardian affirmation, shall agree to the following conditions:

1. Regular attendance—no unexcused absences.

2. No violation of school rules or policies.

3. Attendance at after-school events for the remaining term of suspension only with prior approval of the administration.

4. Completion of all class tasks in a timely fashion, as directed.

5. Student will receive supervision before and after school by parental arrangement, travel directly to school and from school, and report immediately to a supervisor for the balance of the term of the suspension.

F. The student and parent or guardian shall receive a written admonition that failure in the conditions

required for early readmission will mean summary imposition of the remainder of the suspension and additional punishment if indicated by the disciplinary policies and procedures of the District.

## **LEGAL**

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20 U.S.C. 1400 *et seq.*, Individuals with Disabilities Education Act

20 U.S.C. 7151 *et seq.*, The Gun-Free School Act of 1990

29 U.S.C. 794 Rehabilitation Act of 1973, (Section 504)