



POLICY 233 -- SUSPENSION AND EXPULSION

1. Purpose

The Board recognizes that exclusion from the educational program of the schools, whether by suspension or expulsion, is the most severe sanction that can be imposed on a student in this district and one that cannot be imposed without due process. The Board may, in accordance with this policy, suspend a child for such time as it deems necessary or may permanently expel him/her.

2. Authority

Suspension (exclusion from school for up to ten (10) school days)

The principal or person in charge of a public school may suspend any pupil for disobedience or misconduct for a period of one (1) to ten (10) consecutive school days and will report the suspension to the Superintendent as soon as possible thereafter.

No student may be suspended without notice of the reasons for which s/he is suspended and an opportunity to be heard in his/her own behalf before the school official who holds the authority to reinstate him/her.

When the suspension exceeds three (3) school days, the student and parent(s)/guardian will be given the opportunity for an informal hearing with the designated school official, in accordance with this policy.

Suspension (exclusion from class)

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

Should the in-school suspension exceed ten (10) consecutive school days, the student and his/her parent(s)/guardian will be offered an informal hearing with the designated school official, in accordance with this policy. Such hearing will take place prior to the eleventh (11th) day of the in-school suspension.

Expulsion (any exclusion from school exceeding ten (10) school days)

The Board may either expel for a period exceeding ten (10) school days or may permanently expel from the rolls of this district any student whose misconduct and disobedience is such as to warrant this sanction. No student will be expelled without an opportunity for a formal hearing before the full Board or a duly authorized committee of the Board and action taken by the full Board.

The student under seventeen (17) years of age who is expelled has forfeited his/her right to an education in the schools of this district but has not been excused from compliance with the compulsory attendance statute.

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The initial responsibility for providing the required education rests with the student's parents or guardian, through placement in another school, tutorial or correspondence study, or another educational program approved by the district's superintendent.

Within 30 days of action by the governing board, the parents or guardians shall submit to the school district written evidence that the required education is being provided as described above or that they are unable to do so. If the parents or guardians are unable to provide the required education, the school entity shall, within 10 days of receipt of the notification, make provision for the student's education. A student with a disability shall be provided educational services as required by the Individuals with Disabilities Education Act (20 U.S.C.A. § § 1400—1482).

If the approved educational program is not complied with, the school district may take action to ensure that the student will receive a proper education.

Hearings

Informal Hearings:

Students excluded from school for a period of time longer than three (3) days or excluded from class for ten (10) days will be afforded an informal hearing. The purpose of the informal hearing is to enable the student to meet with the appropriate school official to explain the circumstances surrounding the event for which the student is being suspended or to show why the student should not be suspended.

The following due process requirements shall be observed in regard to the informal hearing:

- Notification of the reasons for the suspension shall be given in writing to the parents or guardians and to the student.
- Sufficient notice of the time and place of the informal hearing shall be given.
- A student has the right to question any witnesses present at the hearing.
- A student has the right to speak and produce witnesses on his own behalf.
- The school entity shall offer to hold the informal hearing within the first five (5) days of the suspension.

Formal Hearings:

A formal hearing is required in all expulsion actions. This hearing may be held before the governing board or an authorized committee of the board, or a qualified hearing examiner appointed by the board. When a committee of the board or a hearing examiner conducts the hearing, a majority vote of the entire governing board is required to expel a student.

Each suspended student involved in a formal hearing will be restored to a regular educational program after ten (10) school days pending the outcome of the hearing, unless it is determined after an informal hearing that a student's presence in his normal class would constitute a threat to the health, safety or welfare of others and it is not possible to hold a formal hearing within the period of a suspension, the student may be excluded from school for more than ten (10) school days.

A student may not be excluded from school for longer than fifteen (15) school days without a formal hearing unless mutually agreed upon by both parties. Any student so excluded shall be provided with alternative education, which may include home study.

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The following due process requirements shall be observed in regard to the formal hearing:

- Notification of the charges shall be sent to the student's parents or guardians by certified mail.
- At least three (3) days' notice of the time and place of the hearing shall be given. A copy of the expulsion policy, notice that legal counsel may represent the student and hearing procedures shall be included with the hearing notice. A student may request the rescheduling of the hearing when the student demonstrates good cause for an extension.
- The hearing shall be held in private unless the student or parent requests a public hearing.
- The student may be represented by counsel, at the expense of the parents or guardians, and may have a parent or guardian attend the hearing.
- The student has the right to be presented with the names of witnesses against the student, and copies of the statements and affidavits of those witnesses.
- The student has the right to request that the witnesses appear in person and answer questions or be cross-examined.
- The student has the right to testify and present witnesses on his own behalf.
- A written or audio record shall be kept of the hearing. The student is entitled, at the student's expense, to a copy. A copy shall be provided at no cost to a student who is indigent.
- The proceeding shall be held within fifteen (15) school days of the notification of charges, unless mutually agreed to by both parties. A hearing may be delayed for any of the following reasons, in which case the hearing shall be held as soon as reasonably possible:
 - Laboratory reports are needed from law enforcement agencies.
 - Evaluations or other court or administrative proceedings are pending due to a student invoking his rights under the Individuals With Disabilities Education Act (20 U.S.C.A. § § 1400—1482).
 - In cases in juvenile or criminal court involving sexual assault or serious bodily injury, delay is necessary due to the condition or best interests of the victim.
- Notice of a right to appeal the results of the hearing shall be provided to the student with the expulsion decision.

3. Delegation of Responsibility

The Superintendent will develop rules and regulations to implement this policy which will include:

- The publication of standards in accordance with Board policy on student discipline
- Procedures that insure due process in the deprivation of a student's right to attend school and comport with this policy
- Regulations regarding student records which require that records of disciplinary suspension will be expunged in accordance with Board policy on student records
- Procedures for periodic case review of expelled pupils

The full name of a student under eighteen (18) years of age whose conduct has been disciplined will not become part of the agenda or minutes of a public meeting, nor part of any public record of the Board; but such students may be designated by code.

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4. Guidelines

Please refer to Policy 217- Student Discipline

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