

## **STANDARDS AND PROCEDURES FOR SUSPENSION OR EXPULSION OF STUDENTS**

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### **I. GENERAL PROVISIONS**

The Board may suspend or expel from school any student for violation of rules or policies or for insubordination or misconduct, and the superintendent or principal in charge of the school may temporarily suspend a student in accordance with state and school rules. Suspension shall mean the temporary denial of school attendance and/or participating in a school activity or function.

No student may be suspended unless:

1. The student is given oral or written notice of the charges against him or her;
2. The student is given an oral or written explanation of the facts that form the basis of the proposed suspension; and
3. The student is given an opportunity to present his or her version of the incident.

School principals may suspend a student from school for not more than 10 school days (short term suspension). The superintendent of schools may suspend students for a period not to exceed 90 school days (long term suspension).

### **II. SHORT TERM SUSPENSION PROCEDURES**

If a short term suspension from a class, classes, or school is anticipated because of a student's violation of a policy, the principal, or in his or her absence the designee, or superintendent shall give oral or written notice to the student as soon as possible after discovery of the alleged violation, stating the facts that form the basis for the suspension. Any school suspension issued by a principal must be immediately reported to the superintendent who may revoke the suspension at any time.

The student must be given the opportunity to answer the charges. If a student is suspended, the principal or superintendent shall give the parent oral notice, if possible, and shall send the parent or a student who is 18 years of age or older or an emancipated minor a written notice which provides information regarding the student's due process rights. A student who is an unemancipated minor may not be removed from the school premises before the end of the school day without contacting a parent unless the student's presence

poses a continuing threat or danger, in which case the student may be immediately removed from the school and transferred into the custody of a parent or law enforcement.

### **III. LONG TERM SUSPENSION NOTICE PROCEDURES**

In the event that the long term suspension procedure is initiated by a school principal, a written charge shall be filed by the school principal with the superintendent or designee no later than the end of the school day following the day of discovery of the alleged misconduct.

The superintendent shall promptly transmit to the board a full report in writing of:

1. The facts relating to the suspension;
2. The action taken;
3. The reasons for the action; and
4. The superintendent's decision or recommendation.

The report shall be sealed and remain in the possession of the Board secretary or business manager, unavailable for review by individual school board members, until the time set for hearing. The superintendent must send a copy of the report to the student's parents or to the student if the student is 18 years of age or older or an emancipated minor at the time that the report is filed with the school board's secretary or business manager. The report must be filed by the end of the fifth school day following the first day of the long term suspension.

The written report and notice to be given to the student, the student's parents, the student who is 18 years of age or older or an emancipated minor shall contain the following minimum information:

1. The policy allegedly violated;
2. The reason for the disciplinary proceedings;
3. Notice of the right to request a hearing or waive the right to a hearing;
4. A description of the hearing procedure set forth below;
5. A statement that the student's records are available at the school for examination by the student, the student's parent or authorized representative; and
6. A statement that the student may present witnesses.

In the case of a suspension by the superintendent for more than 10 school days, the student, the student's parents, or others having custodial care, may appeal the decision to the Board. In the event that the student gives notice that he or she wishes to appeal the suspension to the Board, the suspension shall be stayed until the Board renders its decision, unless in the judgment of the superintendent of schools, the student's presence

poses a continuing danger to persons or property, or an ongoing threat of disrupting the academic process, in which case the student may be immediately removed from school, by using the short term suspension procedures above, and the notice and hearing shall follow as soon as practicable.

If a hearing is requested, the superintendent shall give notice to each Board member of an appeal to the Board for a hearing. The superintendent shall set the date, time and place for the hearing and send notice by first class mail to each Board member and by certified mail, return receipt requested, to the student, the student's parent(s) or to a student who is 18 years of age or older or an emancipated minor. If a hearing is to be held, the hearing shall be scheduled within three school days after the request for hearing is received, unless a different schedule is agreed upon by the superintendent, the student and the student's parents, or the student who is 18 years of age or older or an emancipated minor.

If no hearing is requested, or the hearing is waived, the action of the superintendent is final.

#### **IV. LONG TERM SUSPENSION HEARING PROCEDURES**

In addition to the report to be sent to the student and parents under Section III above, in the event that there are signed statements upon which the charges are based, the superintendent shall make such statements available at least two days before the hearing. These statements may be examined and copied by the student, parents and representative. If the superintendent later receives any further information that will be employed at the hearing, the student must be notified of it and copies must be made available before the hearing. These statements shall set out with some particularity the information known to the persons making them.

Besides having access to the written statements, the student, parents or representative shall have access to the student's previous behavior and academic records. If the school deems it necessary, the information contained in such records may be furnished to the parents or representative only on condition that they be explained and interpreted to the parents or representative by a person trained in their use and interpretation.

The Board is the hearing board and shall conduct the hearing in the following manner:

1. The Board shall appoint a Board member or a person who is not an employee of the school district as the hearing officer;
2. Each party may make an opening statement;
3. Each party may introduce evidence, present witnesses, and examine and cross-examine witnesses;
4. Each party may be represented by an attorney;
5. The school administration shall present its case first;

6. The hearing is closed to the public. The Board shall make a verbatim record of the hearing by means of an electronic or mechanical device, or by court reporter. This record and any exhibits must be sealed and must remain with the hearing officer until the appeal process has been completed;
7. Witnesses may be present only when testifying. All witnesses must take an oath or affirmation administered by the Board president or business manager;
8. Each party may raise objections; however, objections are limited to relevancy and scope of the question;
9. All relevant evidence must be admitted; however, unproductive or repetitious evidence may be limited by the hearing officer;
10. The hearing officer may ask questions of witnesses and may allow other school board members to interrogate witnesses;
11. Each party may make a closing statement;
12. After the hearing, the Board shall continue to meet in executive session for deliberation. No one other than the hearing officer may meet with the school Board during deliberation. The Board may seek advice during deliberation from an attorney. Consultation with any other person during deliberation may occur only if a representative of the student is present; and
13. The decision of the Board must be based solely on the evidence presented at the hearing and must be formalized by a motion made in open meeting. The motion must omit the name of the student and must state the reason for the board's action. The Board shall notify the student, the student's parent or parents, or a student who is 18 years of age or older or who is an emancipated minor in writing of the decision. The notice shall state the length of the suspension.

## **V. EXPULSION NOTICE PROCEDURES**

Expulsion is the action of the Board that terminates a student's membership in school for more than 90 school days, but expulsions may not extend beyond the end of the current school year, unless the student has intentionally brought a firearm onto school premises, in which case the length of the expulsion shall be governed by state statute.

If the superintendent finds grounds for expulsion from one or more classes or from school, the superintendent may exclude the student immediately by using the short term suspension procedure above.

If expulsion is anticipated because of a student's violation of a rule or policy or for insubordination or misconduct, the superintendent must file a sealed written report with the Board no later than the end of the fifth school day following the first day of the student's removal from one or more classes or from school and schedule a hearing before the school board. The report must contain the facts of the situation, the action, the reasons for the

action and the superintendent's recommendation. The report must remain in the possession of the Board's secretary or business manager, sealed and unavailable for review by Board members, until the time set for hearing.

At the same time that the report is filed with the Board's secretary or business manager, the superintendent must send a copy of the report to the student's parent or to the student if the student is 18 year of age or older or is an emancipated minor.

In the event of an expulsion, in addition to the report to be sent to the student or the student's parents as described above, the superintendent shall give written notice within four school days to the student, one or both of the student's parents or a student who is 18 years of age or older or an emancipated minor, containing the following minimum information:

1. The rule, regulation or policy allegedly violated;
2. The reason for the disciplinary proceeding;
3. Notice of the right to request a hearing;
4. A description of the hearing procedure set forth below;
5. A statement that the student's records are available at the school for examination by the student's parent or parents or another authorized representative;
6. A statement that the student may present witnesses;
7. A statement that the student may be represented by an attorney;
8. The penalty that the superintendent plans to recommend to the school board and plans to apply if the hearing is waived; and
9. The date, time and place for the school board hearing.

If the superintendent recommends expulsion, the Board must act on the recommendation before it is implemented.

In the event that the student gives notice that he or she wishes to appeal the expulsion to the Board, the expulsion shall be stayed until the Board renders its decision, unless in the judgment of the superintendent of schools, the student's presence poses a continuing danger to persons or property, or an ongoing threat of disrupting the academic process, in which case the student may be immediately removed from school, by using the short term suspension procedures above, and the notice and hearing shall follow as soon as practicable.

The student, if having reached the age of majority or emancipated, or the student's parent or parents may waive the right to a hearing in writing to the superintendent. The student and his/her parent or parents shall notify the school within 24 hours after receipt of notice as to whether they will waive the hearing. If the hearing is not waived, the hearing

shall be held on the date and at the time and place set in the hearing notice unless a different date, time and place are agreed to by the parties. If the hearing is waived in writing, the school board may consider the matter at a regular or special meeting without further notice to the student or the student's parents.

If the student, parent or guardian, or representative, do not waive their right to a hearing or request postponement for good and sufficient cause and are not present at the time scheduled in the hearing notice, the hearing shall proceed without them.

## **VI. EXPULSION HEARING PROCEDURES**

The superintendent shall make available at least two days before the hearing the signed statements of all persons on whose information are based the charge against the student and the penalty suggested by the superintendent. These statements may be examined and copied by the student, parents and representative. If the superintendent later receives any further information that will be employed at the hearing, the student must be notified of it and copies must be made available before the hearing. These statements shall set out with some particularity the information known to the persons making them.

Besides having access to the written statements, the student, parents or representative shall have access to the student's previous behavior and academic records. If the school deems it necessary, the information contained in such records may be furnished to the parents or representative only on condition that they be explained and interpreted to the parents or representative by a person trained in their use and interpretation.

The Board is the hearing board and shall conduct the hearing in the following manner:

1. The Board shall appoint a Board member or a person who is not an employee of the school district as the hearing officer;
2. Each party may make an opening statement;
3. Each party may introduce evidence, present witnesses, and examine and cross-examine witnesses;
4. Each party may be represented by an attorney;
5. The school administration shall present its case first;
6. The hearing is closed to the public. The Board shall make a verbatim record of the hearing by means of an electronic or mechanical device or by court reporter. This record and any exhibits must be sealed and must remain with the hearing officer until the appeal process has been completed;
7. Witnesses may be present only when testifying. All witnesses must take an oath or affirmation administered by the school board president, hearing officer or other person authorized by law to take oaths and affirmations;

8. Each party may raise any legal objection to evidence;
9. The hearing officer shall admit all relevant evidence; however, the hearing officer may limit unproductive or repetitious evidence;
10. The hearing officer may ask questions of witnesses and may allow other school board members to interrogate witnesses;
11. Each party may make a closing statement.
12. After the hearing, the Board shall continue to meet in executive session for deliberation. No one other than the hearing officer may meet with the school board during deliberation. The Board may seek advice during deliberation from an attorney who has not represented any of the parties to the hearing. Consultation with any other person during deliberation may occur only if a representative of the student is present; and
13. The decision of the Board must be based solely on the evidence presented at the hearing and must be formalized by a motion made in open meeting. The motion shall omit the name of the student and shall state the reason for the Board's action. The Board shall notify the student's parent or parents or a student who is 18 years of age or older or who is an emancipated minor in writing of the decision. The notice shall state the length of the expulsion.

## **VII. GENERAL HEARING PROVISIONS**

1. When students are charged with violating the same rule, have acted in concert, and the facts are basically the same for all students, a single hearing may be conducted for them if it is believed that the following conditions exist:
  - a. A single hearing will not likely result in confusion; and
  - b. No student's interests will be substantially prejudiced by a group hearing. If during the hearing, it is found that a student's interests will be substantially prejudiced by the group hearing, a separate hearing for that student may be ordered.
2. The student may speak in his/her own defense and may be questioned on the testimony given, or may choose not to testify, and in such cases shall not be threatened with punishment or later punished for refusal to testify, nor shall such refusal in any way be construed as an indication of guilt.
3. Upon the request of the Board, the student, the parents, or the student's representative, the principal shall submit to the hearing board the student's record of previous behavior and his academic record. If it is deemed necessary, the information contained in such records shall be explained and interpreted by a person trained in their use and interpretation. All records and statements submitted shall be confidential.
4. The parents or legal guardian should be present at the hearing and should have an opportunity to describe their feelings about the proper disposition of the case and to answer

questions. Any statements they make need not be filed with the superintendent before the hearing. If the parents are for any reason unable to attend, the adult representative described in section 5 may act in the place of the parents as their role is set out above.

5. If the parents think the student's interests can be better protected at the hearing through representation by another adult, who may be an attorney, the student may be so represented and the non-parent adult may act with the right to present witnesses, question witnesses, make statements, and otherwise assist the student. If the non-parent adult is an attorney, the superintendent of schools shall be notified 24 hours prior to the hearing.

6. If notice has been sent by certified mail, return receipt requested, but the mailing receipt is not signed or returned, the school board shall have the discretion to decide whether, giving due regard to the circumstances, to postpone the hearing until further notification of the student and parents is possible, or to proceed with the hearing

7. In the event the student has reached the age of majority (age 18), the student is authorized to make decisions, sign documents, and obtain representation on his/her own behalf, and may elect to be represented by a parent or guardian.

8. If it is found necessary to have a witness appear before it and the witness refuses after being requested to appear, the hearing board may use subpoena power to compel the presence of the witness.

9. The Board shall reach its decision on whether the student violated a rule on misconduct by a majority vote. The decision must be based solely on the evidence presented at the hearing and may state findings of fact on which the board's decision rests. If no misconduct is found, the matter is terminated and no further action may be taken against the student.

10. When some misconduct is found, even if a rule on misconduct has not been violated, the Board's report shall include a decision to the superintendent of schools concerning what action, if any, should be taken with respect to the student. The decision need not be the action recommended by the superintendent but shall not exceed the penalty he suggests. It may range from no action through the entire scope of counseling attempts and possible penalties including expulsion for the remainder of the school year. The decision should explain the reasons for the particular action in terms of the needs of both the student and the school.

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