

SUSPENSION AND EXPULSION/DUE PROCESS

1. Suspension

A principal has the power to suspend a student for a period of 10 school days or less following an informal hearing where the student is apprised of the charges against him/her and is given the opportunity to present a defense. (Such hearing may follow suspension in emergency situations.)

The parents/guardians of each suspended student shall be notified in writing describing the disciplinary infraction and the action taken by the principal. A parent/guardian conference with the principal is required for each student suspension and should be held as near to the day of the disciplinary infraction as possible.

Where the suspension is for more than 10 school days, or where a short suspension involves an unusual situation, the student must be afforded both a preliminary and a full hearing.

Under no circumstances may such a suspension be continued beyond the second regular meeting of the Board of Education.

Suspension of a student shall be reported to the Superintendent of Schools, who in turn shall report the suspension to the Board at its next regular meeting.

The suspended student may be reinstated by the principal (or Superintendent) prior to the second meeting of the Board unless the Board has reinstated the student at its first regular meeting.

2. Expulsion

Before steps toward expulsion are taken, the student must be seen by the child study team to determine whether the student is classifiable. If the student is classifiable, then program(s) must be implemented according to the student's needs. If the student is not classifiable, the expulsion process may begin.

Pupils who are guilty of continued serious misconduct which interferes with the opportunity of other students to carry on their learning activities may be recommended to the Board for expulsion from school using the following procedure:

1. The principal of the school with his/her staff shall exhaust all means of bringing about a correction of the misconduct and shall bring the cases before the Superintendent.

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2. The parents/guardians of the student shall be interviewed and advised of the reason why expulsion is being considered, of the right of the student to a full hearing which will afford the student procedural due process and of the right of the parents/guardians to appeal to the Superintendent and the Board. A written statement of charges must be given to the student and the parents/guardians. The student has the right to have an attorney present at any stage of the procedure.
3. The principal may suspend the student until the child study team has determined that the student is or is not eligible for a special education program or service, and if the student is not eligible the suspension may be extended until the appeal is completed or until the next Board meeting, at which time the case will be presented by the Superintendent to the Board with the principal=s recommendation for expulsion.
4. If, after receiving the report from the child study team, the Board determines that the charges, if true, warrant expulsion, the Board may at that time set a date for a full hearing which must be held within 21 calendar days.
5. The Board=s solicitor will arrange for the giving of legal notice to all parties concerned for the preparation and presentation of the evidence in support of the charges at the hearing. The student is entitled to an attorney.

A full due process hearing shall include the accused student=s right to:

1. Notification of charges against him/her;
2. The names of the adverse witnesses;
3. Copies of the statements and affidavits of those adverse witnesses;
4. The opportunity to be heard in his/her own defense;
5. The opportunity to present witnesses and evidence in his/her own defense;
6. The opportunity to cross-examine adverse witnesses; and
7. The opportunity to be represented by counsel.

Appeals

A student may appeal a suspension or expulsion decision of the Board of Education to the commissioner of education. Appeal from a decision of the commissioner is to the state board of education. Decisions of the state board are reviewable by the courts.

REGULATION

File Code: 5114

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III. Dismissal of Pupil:

A suspended pupil should be retained in the school building under the close supervision of a responsible adult until the close of the session or school day, unless dismissed in the custody of a parent/guardian, or adult representative of the family.

Every effort should be made to establish immediate contact with a responsible adult family representative to notify him/her of the suspension of a pupil and arrange a conference.

By the close of the day of the suspension, written notification that a pupil has been suspended shall be forwarded to the parent or legally responsible adult, to the Superintendent, and to other departments that may be involved.

Date: June 15, 1983

Revised: July 18, 2001