



JKD/JKE-R - PROCEDURES REGARDING SUSPENSION/EXPULSION OF STUDENTS

SUSPENSION PROCEDURE

1. A reasonable attempt shall be made to give the student and parents timely oral or written notice of the charges against the student. Such charges must be one or more of those set forth as grounds for suspension under District policy and state law.
2. Prior to the student's removal from school, the student shall receive an informal hearing before the school principal or designee unless an emergency requires immediate removal of the student. In such cases, an informal hearing shall be held as soon as practicable after removal.
3. If a decision is made to suspend a student, the student and his/her parent, guardian or legal custodian shall be so notified as soon as reasonably possible. The principal or designee shall also send a letter to the parent, guardian or legal custodian and the student explaining the action taken, stating the days during which the suspension will be in effect and inviting the parent, guardian or legal custodian to meet with the principal or designee for the purpose of discussing the matter.
4. A suspended student shall be required to leave the school grounds immediately after the parent, guardian or legal custodian and the principal or designee have determined the best way to transfer custody of the student to the parent, guardian or legal custodian.
5. Law enforcement authorities may be involved in removal of students in accordance with state law, when there are reasonable grounds to believe that the student has committed a delinquent act by violation of any statute, county or municipal ordinance, or by lawful order of the juvenile court.
6. A student and his or her parent, guardian or legal custodian may appeal a suspension to the superintendent's designee, except in cases of a suspension preceding recommended expulsion. The designee shall review the appeal and discuss the matter with the administrator who imposed the sanction and with the parent, guardian or legal custodian and the student. The superintendent's designee shall inform the parent, guardian or legal custodian of the designee's decision, which shall be the final determination of the matter.
7. A suspended student shall not be readmitted to a public school until the student's parent, guardian or legal custodian has met with the principal or designee to

discuss the nature of the suspension or if, in the judgment of the principal or designee, the parent, guardian or legal custodian has substantially agreed to review the suspension. The student may be readmitted, however, if the suspending authority cannot contact the parent, guardian or legal custodian or if the parent, guardian or legal custodian repeatedly fails to appear for scheduled meetings.

8. The suspending authority shall:
 - a. Make reasonable efforts to meet with the student's parent, guardian or legal custodian during the period of suspension;
 - b. Not extend the period of suspension because of the failure of the suspending authority to meet with the parent, guardian or legal custodian; and
 - c. Provide an opportunity for the student to make up schoolwork during the period of suspension to allow the student to reintegrate into the educational program following suspension. The suspending authority shall to the extent possible award appropriate credit for the assigned make-up work.
9. The principal has the right to assess damages to school property and collect for the Board a reasonable sum as established by the District.
10. Any student conduct requiring additional action beyond the building administrator's initial period of suspension is to be reported to the appropriate assistant superintendent with a complete report and, if warranted, a recommendation for expulsion.

EXPULSION PROCEDURE

1. The student and the student's parent, guardian or legal custodian shall be given written notice of the charges against the student, which must be one or more of those set forth as grounds for expulsion under District policy and state law.
2. If the student and the student's parent, guardian or legal custodian wish to request a hearing regarding the expulsion, they must do so within the timeframe noted in the notice of hearing. Failure to request a hearing within the specified timeframe will result in a waiver of the right to a hearing.
3. A student may be suspended pending an expulsion hearing, provided the regulations for suspension are followed.
4. The superintendent or superintendent's designee shall preside over the expulsion hearing.

5. At the expulsion hearing, the student may be represented by counsel. If a student is represented by counsel, the student or student's parent, guardian or legal custodian shall notify the superintendent or designee of this fact by phone or in writing at the time the expulsion hearing is requested. Failure by the student or student's parent, guardian or legal custodian to provide timely notification of attorney representation shall result in a continuance of the hearing and corresponding extension of the period of suspension to allow the District to obtain legal counsel. The student shall be afforded the opportunity to confront and cross-examine witnesses called by the school administration. The student may call his or her own witnesses. The school administration may cross-examine the witnesses called by the student. An audio recording of the hearing shall be made. The hearing officer may limit the number of witnesses called based on consideration of the competence, relevance and/or cumulative nature of their testimony.
6. At an expulsion hearing concerning alleged student conduct for which expulsion is mandatory under state law, no written statement prepared by the student concerning the conduct may be used as evidence unless it is signed by the student and the student's parent, guardian or legal custodian was present when the student signed, or reasonable attempts to have the parent, guardian or legal custodian present when the student signed were unsuccessful. This provision shall not apply in cases concerning alleged student conduct for which expulsion is mandatory under District policy but not under state law.
7. If a designee of the superintendent serves as the hearing officer, he or she shall make specific findings and shall promptly submit those findings and a recommendation regarding the expulsion to the superintendent.
8. The superintendent shall review the hearing officer's findings and recommendation, or if the superintendent conducts the hearing, the superintendent shall make findings. The superintendent shall issue a written decision within five business days after the hearing conducted by the superintendent or designee.
9. The student and his or her parent, guardian or legal custodian may appeal the superintendent's written decision to the Board of Education. The parent, guardian or legal custodian must request in writing an appeal to the Board of Education within 10 calendar days after the effective date of the expulsion. If the 10th day falls on a Saturday, Sunday, or holiday, the request for appeal must be made on the following day. The written request for appeal must state the grounds for appealing the superintendent's written decision. The superintendent or designee may address matters raised in the request for appeal for inclusion in the record to be considered by the Board. Failure to request an appeal within 10 calendar days after the effective date of the expulsion shall result in a waiver of the right to appeal, and the superintendent's written decision shall become final, unless the Board in its sole discretion grants an extension for good cause shown.

10. If an appeal is properly requested, the Board shall review the record concerning the expulsion. The record includes notices and other documents concerning the suspension and expulsion; the transcript of the testimony, if any; the hearing exhibits; the hearing officer's findings and recommendation; the superintendent's written decision; and other documents concerning the expulsion. The student may be represented by counsel at the appeal. Representatives of the District and the parent, guardian or legal custodian may make brief statements to the Board, but no new evidence may be presented unless such evidence was not reasonably discoverable at the time of the hearing.
11. The Board shall make a final determination regarding the expulsion of the student and shall inform the student and his or her parent, guardian or legal custodian of the right to judicial review.
12. If a student between the ages of six and 17 is expelled for the remainder of the school year, the parent, guardian or legal custodian of the student shall be responsible for assuring compliance with the compulsory school attendance laws during the period of expulsion.
13. Upon expelling a student, the District shall provide information to the student's parent, guardian or legal custodian concerning the educational alternatives available to the student during the period of expulsion. If the parent, guardian or legal custodian chooses to provide a home-based educational program for the student, the District shall assist the parent, guardian or legal custodian in obtaining appropriate curricula for the student.

READMITTANCE TO SCHOOL AFTER SUSPENSION OR EXPULSION

No student will be readmitted to school after a suspension or expulsion until a meeting has taken place between the principal or designee and the student's parent, guardian or legal custodian to review the suspension or expulsion or until, in the discretion of the principal or designee, the parent, guardian or legal custodian of the suspended or expelled student has substantially agreed to review the suspension or expulsion with the principal or designee; except that if the principal or designee cannot contact the parent, guardian or legal custodian of such student or if such parent, guardian or legal custodian repeatedly fails to appear for scheduled meetings, the principal or designee may readmit such student. The purpose of the readmittance conference is to answer questions about the suspension or expulsion, clarify expectations regarding behavior, and consider alternatives or interventions to assist the student.

CRIMES OF VIOLENCE AND UNLAWFUL SEXUAL BEHAVIOR

Whenever the District is notified that a student at least 12 years of age but under 18 years of age has been charged in juvenile court with an offense that would constitute a crime of violence or unlawful sexual behavior if committed by an adult, or has been charged in district court with a crime of violence or unlawful sexual behavior, the Board

of Education or its designee shall determine whether the student has exhibited behavior that is detrimental to the safety, welfare and morals of the other students or personnel at school, and whether educating the student at school may disrupt the learning environment, provide a negative example for other students, or create a dangerous and unsafe environment for students, teachers and other school personnel.

If it is determined that the student should not be educated at school, the District may institute procedures to suspend or expel the student. Alternatively, the District may delay consideration of the student's suspension or expulsion pending the outcome of the juvenile court or district court proceedings, during which time the District shall provide the student with an appropriate alternate education program. The time that a student spends in an alternate education program shall not be considered a period of suspension or expulsion.

As used in this policy, a "crime of violence" means any of the following crimes as defined by law committed, conspired to be committed or attempted to be committed by a student in connection with which the student used or possessed and threatened the use of a deadly weapon, or caused serious bodily injury or death to any other person except another participant: (1) any crime against an at-risk adult or at-risk juvenile; (2) murder; (3) first or second degree assault; (4) kidnapping; (5) sexual assault; (6) unlawful sexual contact; (7) sexual assault on a child; (8) sexual assault on a child by one in a position of trust; (9) internet sexual exploitation of a child; (10) invasion of privacy for sexual gratification; (11) aggravated robbery; (12) first degree arson; (13) first degree burglary; (14) escape; or (15) criminal extortion. "Crime of violence" also means any felony unlawful sexual offense in which the student caused bodily injury to the victim or in which the student used threats, intimidation or force against the victim.

As used in this policy, "unlawful sexual behavior" means any of the following offenses as defined by law or criminal attempt, conspiracy, or solicitation to commit any of the following offenses: (1) sexual assault; (2) unlawful sexual contact; (3) sexual assault on a child; (4) sexual assault on a child by one in a position of trust; (5) enticement of a child; (6) incest or aggravated incest; (7) trafficking in children; (8) sexual exploitation of children; (9) procurement of a child for sexual exploitation; (10) indecent exposure; (11) soliciting for child prostitution; (12) pandering of a child; (13) procurement of a child; (14) keeping a place of child prostitution; (15) pimping of a child; (16) inducement of child prostitution; (17) patronizing a prostituted child; (18) promotion of obscenity to a minor; (19) wholesale promotion of obscenity to a minor; (20) internet luring of a child; (21) internet sexual exploitation of a child; (22) two or more incidents of public indecency within any five-year period; (23) invasion of privacy for sexual gratification; or (24) second-degree kidnapping, if the person kidnapped is the victim of a sexual offense.

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