

STUDENT SUSPENSION

JKD-R

The policies and procedural rules regarding student disciplinary actions are contained in this policy manual. Specific disciplinary actions shall be set forth in the student handbooks.

- A. Students are to be permitted and students are expected to make up work for academic credit when they have been suspended (either in school or out of school).
- B. At the discretion of the principal or his/her designee, students may be assigned school-related work to complete (e.g., read book, write report, answer questions, etc.) and to be submitted at the end of the suspension as a condition of returning to school.
- C. Suspensions for periods of one to ten school days will be in accordance with the following considerations by the principal or his/her designee:
 - 1. Obtaining the data associated with the violation and maintaining a written record of that data. (The data collection process shall include: listening to and taking statements from witnesses; listening to and taking statements from the accused student.)
 - 2. Informing the student in writing of the charges against him/her and giving that student an opportunity to respond to the charges, including the questioning of the complaining persons and/or witnesses. An exception to this will be when a particular student witness, in good faith, indicates to the principal, or his/her designee that he/she fears reprisal by the person(s) involved in the hearing. In such situations, the principal, or his/her designee, may decide to introduce only the written testimony of the student witness. The Board may exercise its discretion and request that the principal or the designee of the principal provide testimony describing the nature of the particular objections of a potential student-witness.
 - 3. Notifying the accused student and his/her parents/guardians of the infraction, the suspension, and the reason(s) for the suspension. If the student is 18 years of age or if the student is not residing with his/her parent(s)/guardian(s), then only the student needs to be notified. (The notification shall be in writing and should, in addition, be either via telephone or personal conference.)
 - 4. Providing information relative to the conditions under which the suspension will terminate and recommending constructive means for improvement.
 - 5. Informing the student that he/she has a right to appeal the suspension decision in accordance with the procedures of this regulation. (Only the affected student and his/her parent or guardian shall have the right to appeal a suspension.)
- D. Suspension for more than ten consecutive school days should be solely for the purposes of initiating proceedings for placement in an alternative education setting or for initiating procedures for a student disciplinary hearing before the local Board of Education.
- E. It shall be the responsibility of the school officials to uphold on behalf of all students the constitutional rights thus established and to operate within the confines of both substantive and procedural due process of law.
- F. It shall be the responsibility of school officials to limit suspension proceedings to activities associated with the school and/or to those activities which have become disruptive of school activities, and/or which pose a potential safety problem for other students and for staff.
- G. Appeals
 - 1. Unless the principal determines that the student constitutes a safety problem for students or staff or would be a source of disruption, a suspension will be temporarily rescinded during the appeal process.
 - 2. Appeals of Suspensions for Periods of Four and Five Days are to be made to the principal who is the final decision maker.
 - 3. Appeals of Suspensions for Periods of Six to Ten Days
 - a. Step One: Appeal to the Director of Elementary Education (for suspensions affecting K-5 students) or to the Director of Secondary Education (for suspensions affecting students in grades 6 -12)
 - (1) The appealing party must give written notice of the appeal to the principal and to the Director of Elementary Education or the Director of

Secondary Education, as appropriate, within five school days after he/she is notified of the suspension decision. Such notice shall include the grounds upon which the appeal is sought and what specific action the appealing party is seeking.

- (2) An appeal to the Director of Elementary Education or the Director of Secondary Education shall be an appeal on the record. The Director of Elementary Education or the Director of Secondary Education will review the record upon which the disciplinary decision was made for legal or procedural errors and to determine whether the decision was based upon sufficient evidence. The Director of Elementary Education or the Director of Secondary Education shall review the written record, which shall be comprised of any written information on file at the school relating to the suspension. The written record shall also consist of the written notice of the appealing party.
 - (3) The Director of Elementary Education or the Director of Secondary Education may also question the appealing party and/or others in order to provide clarifications of the written record if such clarifications are needed.
 - (4) The Director of Elementary Education or the Director of Secondary Education shall inform the appealing party of his/her decision within five school days after receipt of the appealing party's written notice. If the Director of Elementary Education or the Director of Secondary Education, as appropriate, reverses the suspension decision, the suspension will be expunged from the student's record.
 - (5) The accused student shall have the right to appeal the decision of either the Director of Elementary Education or the Director of Secondary Education to the Board of Education.
- b. Step Two: Appeals to the Board of Education
- (1) The appealing party must give written notice of the appeal (including the grounds upon which the appeal is sought) to the Superintendent/Executive Secretary of the Board of Education within three school days after he/she is notified of the decision of the Director of Elementary Education or the Director of Secondary Education. Such notice shall include the grounds upon which the appeal is sought and what specific action the appealing party is seeking.
 - (2) Appeals to the Board of Education shall be a de novo appeal (i.e., a new hearing). The following guidelines constitute procedures for the appeal to and subsequent hearing with the Board of Education:
 - (3) The appealing party shall be apprised of the procedures for the hearing before the Board:
 - (a) The hearing shall be scheduled no less than five school or teacher work days nor more than fifteen school or teacher work days after receipt of the written appeal by the Superintendent/Executive Secretary of the Board of Education.
 - (b) The Superintendent/Executive Secretary or his/her designee shall notify all parties of the date, time, and location of the hearing.
 - (c) The Board of Education has the right to select a hearing officer.

- (d) The student has the right to be represented by legal counsel or advisor. If the student chooses to be represented by legal counsel, this decision must be communicated in writing at least one school/school district workday prior to the scheduled hearing. In the case of a student with a disability, the right to be accompanied and advised by individuals with special knowledge or training with respect to students with disabilities.
 - (e) The student has the right to have witnesses and to cross-examine complaining witnesses; The right to call and examine school officials, including administrative personnel, teachers, and other staff members, who participated in the decision or recommendation. An exception to this will be when a particular student witness, in good faith, indicates to the principal, or his/her designee that he/she fears reprisal by the person(s) involved in the hearing. In such situations, the principal, or his/her designee, may decide to introduce only the written testimony of the student witness. The Board may exercise its discretion and request that the principal or the designee of the principal provide testimony describing the nature of the particular objections of a potential student-witness.
 - (f) The student has the right to a public hearing. If the student and/or his parent(s)/guardian(s) choose to have a public hearing, this request must be communicated in writing to the Superintendent/Executive Secretary of the Board of Education at least one school/school district workday prior to the scheduled hearing. If no such request is made, then the hearing will be held in private. Further, where it is anticipated that sensitive matters will be discussed, the Board may still decide to close the hearing.
 - (g) The student has the right to testify and present evidence
- (4) Each decision and order of the Board of Education shall be delivered in writing, with copies to each Board member, the student and his/her parent(s)/guardian(s), the student's representative or attorney, the school principal, and the Superintendent. (A copy of the Board's decision shall be mailed to the student and his/her parent(s)/guardian(s) by Certified Mail, Return Receipt Requested.) Each decision and order shall state the specific disposition of the case with the penalties imposed in the event of a finding of guilt.
 - (5) The appealing party shall have the right to appeal final decisions at the local district level to the State Board of Education for review and recommendations.

EFFECTIVE: 3/27/72

REVISED: 12/21/82, 9/1/85, 7/14/86, 8/7/86, 4/2/90, 7/25/96, 7/1/00, 7/20/01, 12/8/03, 5/17/04, 12/7/05, 7/6/06