



Suspensions, Expulsions and Appeals Board Policies

Short-Term Suspensions (Board Policy 3321)

In the event the proposed corrective action of a student is to include the denial of the right of school attendance from any single class or full schedule of classes for more than 1 and up to 10 consecutive school days, a conference shall first be conducted with the student as follows:

- A. An oral or written notice of the charges shall be provided to the student.
- B. An oral or written explanation of the evidence in support of the charges shall be provided to the student.
- C. An oral or written explanation of the suspension which may be imposed shall be provided to the student.
- D. The student shall be provided the opportunity to present his/her explanation.

The parent of the student shall be notified of the reason for the suspension and the duration of the suspension orally or by U.S. mail as soon as reasonably possible. Any student subject to a short-term suspension shall be provided the opportunity upon return to make up assignments and tests if:

- A. Such assignments or tests have a substantial effect upon the student's grade or grades; or
- B. Failure to complete such assignments or tests would preclude the student from receiving credit for the course or courses.

Appeal Process for Short-Term Suspensions (Board Policy 3322)

Any parent or student who is aggrieved by the imposition of a short-term suspension shall have the right to an informal conference with the principal for the purpose of resolving the grievance. At such conference the student and parent shall be subject to questioning by the principal and shall be entitled to question staff involved in the matter being grieved.

The parent and student after exhausting this remedy shall have the right, upon 2 school business days' prior notice, to present a written and/or oral grievance to the District Hearing Officer. If the grievance is not resolved, the parent and student, upon 2 school business days' prior notice, shall have the right to present a written and/or oral grievance to the School Board at its next regular meeting. A closed meeting may be held for the purpose of considering the grievance. The Board shall notify the parent and student of its response to the grievance within 10 school business days after the date when the grievance was presented. The short-term suspension shall continue notwithstanding implementation of the grievance procedure unless the principal elects to postpone such action.

Long-Term Suspensions or Expulsions (Board Policy 3323)

A long-term suspension or expulsion may be imposed by the principal or assistant principal only after a written notice of an opportunity for a hearing is made available to the affected student and parent. Written notice of the opportunity for a hearing shall be delivered to the parent and student by certified mail or in person. The notice shall be in the parent's primary language and shall supply (1) the alleged misconduct and the school rules alleged to have been violated, (2) the recommended corrective action or punishment, (3) the right to a hearing, and (4) the notice that if a written request for a hearing is not received by the District Hearing Officer within 3 school business days after the notice is received, the hearing shall be waived and the recommended corrective action or punishment shall take effect. If a hearing is requested, the District Hearing Officer shall schedule the matter for a hearing within 3 school business days of such request.

The parent and student and the district or representatives shall be permitted to inspect in advance of such hearing any affidavits or exhibits which are to be submitted at the hearing. The parent and student shall have the opportunity to be represented by counsel, to explain the alleged misconduct and to present affidavits, exhibits, and such witnesses as desired, as well as the opportunity to question witnesses. The hearing shall be conducted before a hearing officer appointed by the Superintendent. Such hearing officer shall not be a witness and shall determine the facts of each case solely on the evidence presented at the hearing. The hearing officer shall state in writing the findings as to the facts, conclusions and disposition to be made. The decision shall be provided to the parent and student or counsel.

If the hearing officer imposes a long-term suspension or expulsion, the parent and student shall have 3 school business days after receiving the hearing decision to appeal that decision to the School Board. The long-term suspension or expulsion may be imposed during the appeal period for no more than 10 consecutive school days or until the appeal is decided, whichever is the shortest period. Any of the days that a student is temporarily suspended or expelled before the appeal is decided shall be applied to the term of the student's suspension or expulsion and shall not limit or extend the term of the student's suspension or expulsion.

Prior to imposing a long-term suspension or expulsion due to the misconduct of a disabled student, the principal or assistant principal shall assure that Policy 2161 and its related procedures and all state/federal rules and regulations regarding the discipline of disabled students have been complied with by the District.

A student subject to a long term suspension does not have the right to make up assignments and/or missed tests. A long term suspension may not be imposed on a student in a manner that causes the student to lose academic credit in excess of one semester.

A long-term suspension may not be imposed beyond the school year in which the violation of school rules occurred.

Appeal Process to the School Board for Long-Term Suspension or Expulsion (Board Policy 3324)

If a long-term suspension or expulsion is imposed, the parent and student shall have the right to appeal the hearing officer's decision by filing a written or providing oral notice of appeal at the office of the hearing officer within 3 school business days after the date of receipt of the decision.

The School Board shall schedule and hold a meeting to informally review the matter within 10 school business days from receipt of such appeal. The purpose of the meeting shall be to confer with the parties in order to decide upon the most appropriate means of handling the appeal. At that time the student, parent, and/or counsel shall be given the right to be heard and shall be granted the opportunity to

present such witnesses and testimony as the Board deems reasonable. Prior to adjournment, the Board shall agree to one of the following procedures:

- A. Study the hearing record or other materials submitted and record its findings within 10 school business days;
- B. Schedule and hold a special meeting to hear further arguments on the case and record its findings within 15 school business days; or
- C. Hear and try the case de novo before the council within 10 school business days.

Any decision by the Board to impose or to affirm, reverse or modify the imposition of suspension or expulsion upon a student shall be made only by:

- A. Those Board of Directors who have heard or read the evidence,
- B. Those Board of Directors who have not acted as a witness in the matter, and
- C. A majority vote at a meeting at which a quorum of the council is present.

Within 30 days of receipt of the Board's final decision, any parent and student desiring to appeal any action upon the part of the Board regarding the suspension or expulsion may serve a notice of appeal upon the Board and file such notice with the superior court clerk of the county. Such notice shall also set forth in a clear and concise manner the errors complained of.

Emergency Expulsions

A student may be immediately excluded from school without other forms of corrective action if the administrator reasonably believes the student is an immediate and continuing danger to himself/herself, other students, staff, or administrators or is a substantial disruption to the educational process of the district.

Emergency expulsions must end or be converted to another form of corrective action within ten school days from the date of the emergency removal from school. Notice and due process rights must be provided when an emergency expulsion is converted to another form of corrective action.

The provisions governing notice and hearing of regular long-term suspensions or expulsions shall apply except:

- A. Written notice of the emergency expulsion shall be sent by certified letter deposited in the U. S. mail within twenty-four hours of the expulsion or by hand delivery to the student's parent(s) or guardian(s) within twenty-four hours of the expulsion and documenting delivery by obtaining his or her signature acknowledging receipt or the written certification of the person making the delivery;
- B. The parent and student shall have three school business days after receipt of the notice during which to request a hearing. A schedule of "school business days" potentially applicable to the exercise of such hearing right should be included with the notice;
- C. The hearing officer shall render the decision within one school business day after the conclusion of the hearing.