

The following procedures apply to the initiation and processing of student suspensions.

Grounds for Suspension

A student who is insubordinate or disorderly, or whose conduct otherwise endangers the safety, morals, health or welfare of others, or whose physical or mental condition endangers the health, safety or morals of himself/herself or of other students, may be suspended.

Authority to Suspend

The Board of Education retains its authority for the suspension of students. The Board places the primary responsibility for student suspension with the Superintendent of Schools. The Board also delegates to the Building Principals the authority to suspend students for up to five days.

Any staff member may recommend to the Superintendent/Principal that a student be suspended. All recommendations shall be made in writing unless the conditions underlying the recommendation warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension.

Investigation

The Superintendent/Principal, upon receiving a recommendation for suspension or when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

Notice and Opportunity to be Heard

Suspension of Five Days or Less

If the Superintendent/Principal determines a suspension of five days or less is warranted, he/she shall immediately notify the student orally or in writing, and shall immediately notify the student's parents/guardians in writing that the student has been suspended from school. Written notice to the parent or guardian shall be provided by personal delivery, express mail delivery, or an equivalent means reasonably calculated to assure receipt of the notice within 24 hours of the suspension at the last known address of the parents/guardians. If possible, such notice will also be provided by telephone. The aforesaid notice and opportunity for an informal conference shall take place prior to suspension of the student unless the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, in which case the student's notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

The notice shall provide a description of the charges against the student and the incident which resulted in the suspension, and shall inform the parents/guardians of the right to request an immediate informal conference with the Superintendent/Principal. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents/guardians. At the conference, the parents/guardians shall be permitted to ask questions of complaining witnesses under such procedures as may be established by the Superintendent/Principal. After the conference,

the Superintendent/Principal shall promptly advise the parents/guardians of his/her decision.

The Superintendent/Principal shall advise the parents/guardians that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the Commissioner of Education within 30 days of the decision.

Suspension for More than Five Days

When the Superintendent determines that a suspension for more than five days may be warranted, he/she shall give reasonable notice to the student and the student's parent/guardian of their right to a fair hearing. At the hearing the student shall have the right to be represented by counsel, the right to question witnesses against him/her and the right to present witnesses and other evidence on his/her behalf.

The Superintendent shall personally hear and determine the proceeding or may, in his/her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him/her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the Superintendent. The report of the hearing officer shall be advisory only, and the Superintendent may accept all or any part thereof.

An appeal of the decision of the Superintendent may be made to the Board which will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the Board President within 10 business days of the date of the Superintendent's decision, unless the parents/guardians can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the Superintendent. If the Board decides to modify or revoke a student's suspension, the Board may also condition the student's early return to school and suspension revocation on the student's voluntary participation in counseling or specialized classes, including anger management or dispute resolution, where applicable. Final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

Alternative Instruction

When a student of compulsory attendance age is suspended, immediate steps will be taken to provide alternative means of instruction for the student. An alternative program of instruction may be provided to any student over the compulsory attendance age who presents a sincere desire to complete his/her high school education.

Suspension of Students with Disabilities

Students with disabilities will be suspended in accordance with the requirements of federal and state laws and regulations.

Process for Removal

1. If the student does present a danger or an ongoing threat of disruption to the academic process, removal can be immediate, but the teacher must provide the removed student an opportunity to present his/her version of the events within 24 hours of removal.
2. If the student does not present a danger or an ongoing threat of disruption to the academic process, before removal the teacher must provide the student with an explanation as to why he/she is being removed, and an opportunity to present his/her version of the events.
3. Within 24 hours of removal, parents of the student must be notified by the Principal of

- the student's removal and the reasons for removal.
4. Informal conference – if the student denies the charge, an opportunity for an informal hearing must take place with the parents and the Principal within 48 hours of the removal.
 5. Principal's determination – The Principal must make a determination by the close of business on the day following the informal conference to either uphold or reverse the determination (a determination can only be reversed if the finding lacks substantial evidence, is inconsistent with the Code of Conduct, is a violation of law, or if the conduct warrants suspension). The Principal may designate a school district administrator (e.g., an Assistant Principal) to carry out the Principal's functions in this regard. No student removed by a teacher may return until (a) the Principal (or designee) makes a final determination, or (b) the period of removal expires, whichever is less.

Continued Educational Programming

In the event of teacher removal of a disruptive student in accordance with the Code of Conduct, continued educational programming will be provided during the period of removal as soon as is practicable. The type of continued educational programming will vary depending upon the student's individual needs but may consist of, for example, study hall, in-school suspension, or other instruction as provided by the teacher and determined by the Principal.

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