

## **Suspension/Expulsion of Students**

### **A. Procedure for suspension of 10 days or less**

Through written policy the Board of Education has delegated to the school principal the power to suspend a student for not more than five or 10 days, depending upon the infraction. Pursuant to policy JKD/JKE, the superintendent has been delegated the power to suspend a student for additional periods of time. However, the total period of suspension shall not exceed 25 school days. As a general rule, a suspension will be 10 days or less.

The following procedures shall be followed in any suspension, unless the student is suspended pending an expulsion proceeding, in which case the expulsion procedures shall apply.

When the term "parent/guardian" is used, it refers to the parent/guardian of students under 18 years of age; if the student is 18 years or older, it refers to the student. All references to parent/guardian are intended to also include legal custodian.

1. **Notice.** The principal, designee or the superintendent at the time of contemplated action shall give the student or parent/guardian notice of the contemplated action. Such notice may be oral or in writing. If oral, such notice shall be given in person. If written, delivery may be by United States mail addressed to the last known address of the student or his parent/guardian.
2. **Contents of notice.** The notice shall contain the following basic information.
  - a. A statement of the charges against the student.

- b. A statement of what the student is accused of doing.
- c. A statement of the basis of the allegation. Specific names may be withheld if necessary.

This information need not be set out formally but should sufficiently inform the student or his parent/guardian of the basis for the contemplated action.

- 3. **Informal hearing.** In an informal setting, the student shall be given an opportunity to admit or deny the accusation and to give his or her version of the events. The administrator may allow the student to call witnesses or may personally call the accuser or other witnesses. The administrator may hold a more extensive hearing in order to make a proper decision on the contemplated action.
- 4. **Timing.** The notice and informal hearing should precede removal of the student from school. There need be no delay between the time notice is given and the time of the informal hearing.
- 5. **If the student's presence in school presents a danger.** Notice and an informal hearing need not be given prior to removal from school where a student's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process. In this case, an informal hearing shall follow as soon after the student's removal as practicable.
- 6. **Notification following suspension.** If a student is suspended, the administrator delegated the authority to suspend shall immediately notify the parent/guardian that the student has been suspended, the grounds for such suspension and the period of such suspension. The notification shall include the time and place for the parent/guardian to meet with the administrator to review the suspension.
- 7. **Removal from school grounds.** A suspended student must leave the school building and the school grounds immediately after the

parent/guardian and administrator have determined the best way to transfer custody of the student to the parent/guardian.

8. **Readmittance.** No student shall be readmitted to school until the meeting with the parent/guardian has taken place or until, in the opinion of the administrator, the parent/guardian has substantially agreed to review the suspension with the administrator. However, if the administrator cannot contact the parent/guardian or if the parent/guardian repeatedly fails to appear for scheduled meetings, the administrator may readmit the student. The meeting shall address whether there is a need to develop a remedial discipline plan for the student in an effort to prevent further disciplinary action.
9. **Make-up work.** Suspended students shall be provided an opportunity to make up school work during the period of suspension, so the student is able to reintegrate into the educational program of the district following the period of suspension. Students will receive \_\_\_\_% credit for makeup work which is completed satisfactorily.

#### **B. Procedure for expulsion or denial of admission**

In the event that the Board of Education contemplates action denying admission to any student or prospective student or expelling any student, the following procedures shall be followed.

1. **Notice.** Not less than 10 days prior to the date of the contemplated action, the Board of Education or an appropriate administrative officer of the district shall cause written notice of such proposed action to be delivered to the student and the student's parent/guardian. Such delivery may be by United States mail addressed to the last known address of the student or the student's parent/guardian.
2. **Emergency notice.** In the event it is determined that an emergency exists necessitating a shorter period of notice, the period of notice may be

shortened provided that the student or the student's parent/guardian has actual notice of the hearing prior to the time it is held.

3. **Contents of notice.** The notice shall contain the following basic information:
  - a. A statement of the basic reasons alleged for the contemplated denial of admission or expulsion.
  - b. A statement that a hearing on the question of expulsion or denial of admission will be held if requested by the student or parent/guardian within 5 days after the date of the notice.
  - c. A statement of the date, time and place of the hearing in the event one is requested.
  - d. A statement that the student may be present at the hearing and hear all information against him\_or her, that the student will have an opportunity to present such information as is relevant and that he or she\_may be accompanied and represented by a parent/guardian and an attorney.
  - e. A statement that failure to participate in such hearing constitutes a waiver of further rights in the matter.
4. **Conduct of hearing.** A hearing may be requested by the parent/guardian. Such hearing shall be conducted by the Board of Education. The hearing may be conducted in open session or may be closed except to those individuals deemed advisable by the Board president but including in all events the student, the parent/guardian and, if requested, the student's attorney. Such individuals as may have pertinent information shall be admitted to a closed hearing to the extent necessary to provide such information.

Testimony and information may be presented under oath. However, technical rules of evidence shall not be applicable, and the Board may consider and give appropriate weight to such information or evidence it deems appropriate. The student's written statement, if any, may be presented as evidence in accordance with applicable law. The student or representative may question individuals presenting information.

A sufficient record of the proceedings shall be kept so as to enable a transcript to be prepared in the event either party so requests. Preparation of the transcript shall be at the expense of the party requesting the same.

The Board of Education may retire to executive session to review and discuss the evidence. However, the final decision will be made in public session. The Board will inform the student and the student's parent/guardian of the right to judicial review.

5. **Information to parents.** Upon expelling a student, district personnel shall provide information to the student's parent/guardian concerning the educational alternatives available to the student during the period of expulsion, including the right of a parent/guardian to request that the district provide services during the expulsion. If the parent or guardian chooses to provide a home-based education program for the student, district personnel shall assist the parent/guardian in obtaining appropriate curricula for the student if requested by the parent/guardian.

If a student is expelled for the remainder of the school year and is not receiving educational services through the district, the school district shall contact the expelled student's parent/guardian at least once every 60 days until the beginning of the next school year to determine whether the child is receiving educational services. District personnel need not contact the parent/guardian after the student is enrolled in another school district or in an independent or parochial school, or if the student is committed to the department of human services or sentenced to a juvenile or adult detention facility.

6. **Readmittance.** A student who has been expelled shall be prohibited from enrolling or re-enrolling in the same school in which the victim of the offense or member of the victim's immediate family is enrolled or employed when:
  - a. the expelled student was convicted of a crime, adjudicated a juvenile delinquent, received a deferred judgment or was placed in a diversion program as a result of committing the offense for which the student was expelled;
  - b. there is an identifiable victim of the expelled student's offense; and
  - c. the offense for which the student was expelled does not constitute a crime against property.

If the district has no actual knowledge of the name of the victim, the expelled student shall be prohibited from enrolling or re-enrolling only upon request of the victim or a member of the victim's immediate family.

No student will be readmitted to school until after a meeting between the principal or designee and the parent/guardian has taken place except that if the administrator cannot contact the parent/guardian or if the parent/guardian repeatedly fails to appear for scheduled meetings, the administrator may readmit the student.

### **C. Procedure for crimes of violence or unlawful sexual behavior**

The following procedures will apply when the district receives notification that a student has been charged in juvenile or district court with a crime of violence or unlawful sexual behavior, as those terms are defined by state law.

1. The Board or its designee will make preliminary determination whether it will proceed with an expulsion hearing, based on the following factors:

- a. Whether the student has exhibited behavior that is detrimental to the safety, welfare and morals of other students, or school personnel
- b. Whether educating the student in 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

The determination may be made in executive session to the extent allowed by state law.

2. If it is determined that the student should not be educated in the schools of the district, the district may suspend or expel the student in accordance with the procedures set forth above.
3. Alternatively, suspension or expulsion proceedings may be postponed, pending the outcome of the court proceedings. If the suspension or expulsion proceedings are postponed, the student will not be permitted to return to school during that period. An appropriate alternative educational program, including but not limited to, an on-line program authorized by state law or a home-based educational program will be established for the student during the period pending the resolution of the juvenile proceedings. The time that a student spends in an alternative educational program shall not be considered a period of suspension or expulsion.
4. If the student pleads guilty to the charge, is found guilty or is adjudicated a delinquent juvenile, the Board or designee may proceed to suspend or expel the student following the procedures set forth in these regulations.
5. Information regarding the details of the alleged crime of violence or unlawful sexual behavior will be used by the Board or its designee for the purposes set forth in this policy, but shall remain confidential unless the information is otherwise available to the public by law.

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Swink School District #33, Swink, Colorado