

CODIFICATION REFERENCE NUMBER: 5610

DATE: December 18, 2008

SUSPENSION

RESPONSIBILITY:

Short term suspension will be imposed by the principal; extended suspension will be imposed by the Superintendent.

PROCEDURES:

1. Definition

“Suspension” means the loss of the right to attend the regular instructional sessions and included assignment to an in-school suspension room.

2. Preliminary Hearing

1. No pupil may be suspended without an immediate preliminary hearing except when the continued presence of the pupil poses a threat to the safety of the pupil or persons or property, or when it is otherwise impossible or unreasonably difficult to hold an immediate hearing. A necessarily delayed hearing will be conducted as soon as practicable after the suspension.
2. The principal or a teaching staff member designated by the principal shall provide a pupil who has been recommended for suspension with oral or written notice of the charge or charges and shall provide the pupil with an opportunity to respond to the charge(s) and state why he or she should not be suspended. The preliminary hearing shall be informal and shall be held as soon as possible after the alleged infraction.
3. If the principal or teaching staff member who conducts the preliminary hearing determines that the pupil is not deserving of suspension, the matter is concluded. No record will be created of a preliminary hearing that does not result in suspension.
4. If, after the preliminary hearing, the principal determines that the pupil should be suspended, the pupil will be given notification of his or her suspension. Notice of suspension will include the reason or reasons for the suspension, the dates on which the suspension will begin and end, and any other conditions appropriate to the suspension.

3. Short Term Suspension

1. The principal may impose a short term suspension of up to ten (10) days' duration without Board intervention.
 1. The principal shall notify the parent of a pupil under the age of eighteen years.
 2. Notification shall be given directly to an adult pupil.
 3. When an educationally handicapped pupil of any age is suspended, the principal shall give notice to the parent pursuant to C.1.a. and forward a copy of the notice to the child study team.
2. Unless the pupil poses an immediate threat to the safety of the school community or property, he or she should remain on in-school suspension until school is dismissed for the day. If the principal determines that the pupil should be removed from the school premises, he or she shall attempt to summon the pupil's parent to the school. If the parent is unavailable or unable to come to the school, the principal shall arrange transportation home upon notification to the parent. In the case of a pupil in grades kindergarten through grade five (5), a responsible adult must be present to receive the pupil.
3. The principal may waive the procedures set forth in C.2 in the event of mass violations of school rules or where it is not possible to keep pupils on school grounds and restore order or protect people on school property. Even in such an emergency situation, the principal shall take into account such factors as the distance to home and the age of the individual pupils involved and shall take whatever action is necessary and possible.
4. During the period of a short term suspension, the suspended pupil is responsible for the completion of his or her class assignments. A suspended pupil shall not be refused the opportunity to take or make up a test, nor shall he or she be given a failing mark as a result of any absence caused by the suspension.
5. The principal shall promptly notify the Superintendent in writing of the suspension, and the dates on which the suspension will begin and end. The Superintendent must report the suspension to the Board of Education at its next regular meeting.
6. The principal may assign a suspended pupil to in-school suspension for up to ten (10) days during which time the pupil will be responsible for completing written classwork material under supervision, in accordance with Regulation No. 5610.0.

4. Extended Suspension

1. If in the principal's opinion the alleged infraction warrants a suspension of more than ten (10) days, the principal shall recommend an extended suspension to the Superintendent, who may suspend the pupil for a period of time that does not extend beyond the second regularly scheduled meeting of the Board following the suspension.
2. When the Superintendent determines to place a pupil on extended suspension, the Board shall immediately convene a hearing on the matter and a notice should be sent to an adult pupil or to the parent of a minor pupil. Such notice shall include:
 1. The acts alleged to have been committed and the rule alleged to have been violated;
 2. A summary of the evidence against the pupil and the names of those persons who have supplied the evidence;
 3. The penalty that has been recommended;
 4. The date, time, and place at which the Board will hear the pupil, which must be within twenty one (21) days of the initial suspension;
 5. A statement that the adult pupil or the parent of a minor pupil is entitled to review the written evidence that will be relied upon to review the pupil's records.
 6. A statement that the pupil is entitled to representation by counsel, to a translator, to appear in his or her own behalf, to produce witnesses and present evidence, to confront and cross-examine anyone who presents evidence against him or her, to a transcript of the hearing, and to appeal the decision to the Commissioner of Education.
3. A pupil who has requested a formal hearing in writing before the Board shall be reinstated in his or her regular program pending the outcome of the hearing, except when, in the judgment of the child study team, the pupil should be placed in an alternate program of instruction, except that no pupil suspended or allegedly having assaulted a person in authority may be reinstated before the hearing. In addition, if the Superintendent determines that the safety and well-being of the students and/or faculty of the school may be jeopardized by permitting the student to remain on school premises, the student will not be reinstated pending the outcome of the hearing.
4. The Board of Education shall conduct the hearing in accordance with its procedures and shall base its decisions solely upon the evidence heard. If the pupil is found to have violated District rules, the Board may refer to his or her past record for guidance in

determining the appropriateness of suspension (but may recommend no penalty more stringent than that initially recommended by the Superintendent). The recommendation of the Board shall include a full account of the Board's finding of facts and the reasons supporting the recommendation. If the pupil is found innocent, no record will be maintained of the charges.

5. A pupil on extended suspension will be offered home instruction and every reasonable opportunity to keep up with his or her school work, in accordance with Policy No. 2412. A suspended pupil will be permitted to make up work and to take tests. No pupil will be given a failing grade because of absence caused by suspension.
6. A record of the pupil's suspension and a full account of the hearing will be kept at least until the end of the school year or for ninety days after the Board's decision, whichever occurs later, and will not be entered in the pupil's permanent record. A record of the suspension may be retained during the pupil's permanent record. A record of the suspension may be retained during the pupil's remaining enrollment in the District only if such retention is in the pupil's best interest. Absences will be recorded in the pupil's permanent attendance record without explanation.
7. The suspended pupil and his or her parents shall be informed of their right to appeal to the Commissioner of Education within ninety (90) days of the decision of the Board of Education.

5. Cumulative Suspensions

1. When the aggregated number of a pupil's suspension days exceeds fifteen (15) days in any one semester, the pupil shall be referred to the school psychologist for counseling.
2. Notwithstanding (E), when the number of suspension days accumulated by an educationally handicapped pupil in any one school year exceeds ten (10), the child study team:
 1. Shall review the pupil's status to determine:
 - (1) Whether the behavior that resulted in the suspension was primarily caused by the pupil's handicapping condition, and
 - (2) Whether the pupil's individualized education program is appropriate, and
 2. Shall prepare and send to the principal and parent a written report with any recommendations arising from its determinations.