

STUDENT SUSPENSION AND EXPULSION

The following procedures apply to all students. However, additional procedures for discipline for students with disabilities are sometimes required, as discussed in policy JGE, Discipline of Students with Disabilities.

The Board of Education believes that the right of a child to attend free public schools carries with it the responsibility of the child to attend school regularly and to comply with the lawful policies, rules and procedures of the school district. This observance of school policies, rules and procedures is essential for permitting others to learn at school.

Therefore, the administration may exclude a student from school because of violation of school rules and procedures, conduct which materially or substantially disrupts the rights of others to an education, or conduct which endangers the student, other students or the property of the school. Furthermore, if a student poses a threat to self or others, as evidenced by the prior conduct of such student, the administration may immediately remove the student from school. Such actions will be taken in accordance with due process and with due regard for the welfare of both the student and the school.

The terms "suspension" and "removal" refer to an exclusion from school that will not exceed a specific period of time and shall be subject to the due process procedures set forth for "suspensions" in this policy. The term "expulsion" refers to exclusion for an indefinite period.

The district may honor suspensions and expulsions from another in-state or out-of-state school district including a private, charter or parochial school or school district pursuant to law and policy JEC, Student Admissions. Before making any decision to honor such suspensions or expulsions, the superintendent or designee will consider whether the student has received the due process required by law.

Suspensions

In Missouri, a principal may suspend a student for up to ten (10) school days. A superintendent may suspend a student for up to 180 school days. Procedures for suspending a student are outlined below.

1. Before suspending a student, a principal or superintendent must (a) tell the student, either orally or in writing, what misconduct he or she is accused of; (b) if the student denies the accusation, explain, either orally or in writing, the facts that form the basis of the proposed suspension; and (c) give the student an opportunity to present his or her version of the incident.
2. If the principal or superintendent concludes that the student has engaged in misconduct punishable by suspension, the procedures described below apply. If the student has a disability as defined in the Individuals with Disabilities Education Act (IDEA) as amended or Section 504 of the Rehabilitation Act, additional procedural safeguards described in the policy dealing with the discipline of students with disabilities apply.

3. The principal or superintendent should determine whether the student should be suspended or whether less drastic alternative measures would be appropriate. In many cases, the principal or superintendent may decide not to suspend a student unless conferences (between the teacher, student and principal and/or between the parent, student and principal) have been held and have failed to change the student's behavior.
4. If suspension is imposed, the student's parents or guardians must be promptly notified of the suspension and the reasons for the action.
5. Any suspension by a principal must be reported, immediately and in writing, to the superintendent, who may revoke the suspension, either part or in full, at any time.
6. If a student is suspended for more than ten (10) school days, the following rules also apply:
 - a. The student, his or her parents, guardians or others having custodial care have a right to appeal the superintendent's decision to the Board or a committee of the Board appointed by the Board president.
 - b. If the student gives notice that he or she wishes to appeal the suspension to the Board, the suspension shall be stayed until the Board renders its decision, unless in the superintendent's judgment, the student's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process.
 - c. All notices of appeal shall be transmitted, either by the appealing party or by the superintendent, to the secretary of the Board. Oral notices, if made to the superintendent, shall be reduced to writing and communicated to the secretary of the Board.
 - d. The superintendent, when notified of an appeal, shall promptly transmit to the Board a full written report of the facts relating to the suspension, the action taken by the superintendent, and the reasons for the action.
 - e. Upon receipt of a notice of appeal, the Board will schedule a hearing and within a reasonable time in advance of the scheduled date, will notify, by certified mail, the appealing party of the date, time and place of the hearing and of the right to counsel, to call witnesses, and to present evidence at the hearing.
 - f. Hearings of appealed suspensions will be conducted as described in the section of this policy dealing with student disciplinary hearings.

Suspensions For More Than 180 School Days and Expulsions

Only the Board may expel a student or suspend a student for more than 180 school days. The applicable procedures are outlined below.

1. Before recommending to the Board that a student be expelled or suspended for more than 180 school days, the superintendent must (a) tell the student, either orally or in writing, what misconduct he or she is accused of; (b) if the student denies the accusation, explain, either orally or in writing, the facts that form the basis of the proposed suspension/expulsion; and (c) give the student an opportunity to present his or her version of the incident.
2. If the superintendent concludes that the student has engaged in misconduct and should be expelled or suspended for more than 180 school days, the procedures described below apply unless the student has a disability. (In the case of a student with a disability, the procedures described in the policy dealing with the discipline of students with disabilities shall apply.)
 - a. The superintendent will recommend to the Board that the student be expelled or suspended for more than 180 school days. The superintendent may also immediately suspend the student for up to 180 school days.
 - b. Upon receipt of the superintendent's recommendation, the Board will follow the procedures described in the section of this policy dealing with student disciplinary hearings.
3. If the student is expelled, he or she may later apply to the Board for readmission. Only the Board can readmit an expelled student.

Student Discipline Hearings

The Board of Education may originate student discipline hearings upon recommendation of the superintendent. In such cases, the Board of Education will review the superintendent's report and determine whether to conduct a discipline hearing. In addition, student discipline hearings also will be held upon written request of the student or the student's parents, to consider appeals from student suspensions in excess of ten (10) school days. A discipline hearing will always be held in cases of suspensions in excess of 180 school days or expulsions, unless after meeting with the superintendent or designee, the parent or guardian waives, in writing, the right to an expulsion hearing.

In all hearings, whether initiated by the Board of Education or by appeal, the following procedures will be adhered to:

1. The student and the parents/guardians will be advised of the charges against the student; their right to a Board hearing; the date, time and place of the hearing; their right to counsel; and their procedural rights to call witnesses, enter exhibits and cross-examine adverse witnesses. All such notifications will be made by certified mail,

addressed to the student's parents or guardians. The Board shall make a good-faith effort to have the parents or guardians present at the hearing.

2. Prior to the Board hearing, the student and the student's parents/guardians will be advised of the identity of the witnesses to be called by the administration and advised of the nature of their testimony. In addition, the student and the student's parents/guardians will be provided with copies of the documents to be introduced at the hearing by the administration.
3. The hearing will be closed unless the Board decides otherwise. The hearing will only be open with parental consent. At the hearing, the administration or their counsel will present the charges and such testimony and evidence to support such charges. The student, his or her parents/guardians or their counsel shall have the right to present witnesses, introduce exhibits, and to cross-examine witnesses called in support of the charges.
4. At the conclusion of the hearing, the Board of Education shall deliberate in executive session and shall render a decision to dismiss the charges; to suspend the student for a specified period of time; or to expel the student from the schools of the district. The administration or its counsel, by direction of the Board of Education, shall promptly prepare and transmit to the parents/guardians written notice of the decision.

Remedial Conference

Prior to the readmission or enrollment of any student who has been suspended out of school or expelled in accordance with this policy for any "act of school violence" as defined in §160.261.2, RSMo., and Board policy JGF, a conference must be held to review the student's conduct that resulted in the suspension or expulsion and any remedial actions needed to prevent future occurrences of such conduct or related conduct. The conference shall include the appropriate school officials including any teacher directly involved with the conduct that resulted in the suspension or expulsion, the student, and the parent or guardian of the student or any agency having legal jurisdiction, care, custody or control of the student. The Board of Education shall notify, in writing, the parents or guardians and all other parties of the time, place and agenda of any such conference. Failure of any party to attend this conference shall not preclude holding the conference. This requirement applies to enrolling students transferring from another school as well, regardless of whether the "act of school violence" was committed at a public school or at a private school in Missouri, provided that such act shall have resulted in the suspension or expulsion of such student in the case of a private school.

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Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.

Adopted: 6-28-12

Revised:

Cross Refs: ECA, Building and Grounds Security
JFCH, Student Alcohol/Drug Abuse
JG, Student Discipline
JGE, Discipline of Students With Disabilities
JGF, Discipline Reporting and Records

Legal Refs §§ 160.261, 162.955 - .963, 167.161 - .171, RSMo.
Chapter 536, RSMo.
Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 - 1487

Dent-Phelps R-III School District, Salem, Missouri

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