

5610 - SUSPENSION AND EXPULSION

The following administrative guidelines should be followed to provide due process for each student charged with an offense leading to suspension or expulsion.

A. Suspension

The principal may impose a suspension of no more than ten (10) days and shall notify the student's parents or guardians of the suspension by a written statement which includes the student's conduct and the action taken by the principal. A secondary teacher may remove a student from a classroom or activity for no more than one (1) period and an elementary teacher may remove a student from class for forty-five (45) minutes in order to carry out or prevent interference with an education function which the teacher supervises.

No student may be suspended without a meeting. If a student's misconduct requires immediate removal, the meeting will take place as soon as possible after the suspension. At the meeting, the principal shall provide the student with: written or oral statement of the charges; a summary of the evidence against the student if s/he denies the charges; and/or an opportunity to explain his/her conduct.

1. Sending a Student Home

Unless the student is an immediate threat to the safety of the school, s/he should remain in school until class is dismissed for the day.

If the situation requires the student to be removed from the premises, the principal shall attempt to reach the student's parents to request they pick up their child. If they are unable to do so, the student should remain under supervision until school is dismissed. In the case of violent behavior, the principal may summon police to remove the student from the premises.

2. Responsibility for School Work

- a. For an in-school suspension credit will be given for all classroom assignments that can be completed during the in-school suspension or as homework.
- b. Credit will be given for work missed due to out-of-school suspension. provided the student completes and submits all required assignments upon return to school

Failures shall be given for any classroom work that cannot be made up such as laboratories or skill sessions.

3. **Loss of Driving Privileges**

The principal shall not approve an application for a learner's permit or an operator's license or, if the student already has a permit or license, the principal shall notify the Bureau of Motor Vehicles, when a student has had at least two (2) suspensions or an expulsion from school.

If a student has withdrawn or seeks to withdraw from school in an effort to circumvent the second suspension or expulsion in order to avoid the loss of his/her driver's license or learner's permit, the principal shall notify the Bureau of Motor Vehicles.

4. **Suspension Pending Expulsion**

The expulsion examiner may continue suspension of a student for more than the ten (10) school day period of the principal's suspension and until the time of the expulsion decision if s/he determines that the student's continued suspension will prevent the risk of:

- a. interference with an educational function or school purposes;
- b. a physical injury to the student, other students, school employees, or visitors to the school.

B. **Expulsion**

If in the principal's opinion, the alleged infraction warrants expulsion, s/he shall refer the case to the Superintendent and submit the following documentation:

1. the rule(s) alleged to have been violated
2. the charges against the student

3. approximate date of the violation
4. recommendation(s) for expulsion
5. copy of suspension

Upon request, the principal shall also submit:

1. transcript of grades
2. attendance records
3. letter to parents

The Superintendent shall review the case and may appoint a designee who may be an attorney or an administrator who did not expel the student during the current school year and was not involved in the circumstances leading to the expulsion meeting.

Firearms

The Board shall expel a student from school for not less than one (1) year whenever it finds that the student brought a firearm to school or, while at school or while under the supervision of a school authority, possessed a firearm, as defined in I.C. 35-47-15 or destructive device as defined in 35-47.5-2-4, unless the Board finds that the punishment should be reduced based upon the circumstances of the incident. Any such finding by the Board shall be in writing. The term of that expulsion may be reduced to less than one (1) year by the Superintendent so long as the modification is made in writing.

Notice of Right to an Expulsion Meeting

The notice, indicating the parents' right to appear at the meeting shall be sent by certified mail or personal delivery and contain:

1. the rule(s) alleged to have been violated;
2. the charges against the student;

3. the right to request a meeting and the procedure for such a request;
4. the right to review the student's records;
5. the date, time, place, and purpose for the hearing;
6. a statement of the student's and parents' pre-hearing rights.

Appeal of an Expulsion

Upon receipt of a written appeal, the Board may hold a meeting to consider the written and recorded evidence presented at the hearing and the arguments of the principal and of the student and/or his/her parents. The Board may then decide to uphold the expulsion, authorize alternative discipline, or overturn the expulsion.

The student or his/her parents may appeal the Board's decision only to the county court.

NOTE: The Board is to make the decision as to whether or not it will hear appeals to expulsions. If so, the above paragraphs apply. If not, the parent is notified that the appeal is made to the county court and not to the Board.

Extension of an Expulsion

A student may not be expelled for a longer period than the remainder of the school year in which the expulsion took effect if the misconduct occurs during the first semester.

An expulsion during the second semester may extend to summer school and/or to the first semester of the next school year.

An expulsion that takes effect more than three (3) weeks before the beginning of the second semester or that will remain in effect into the first semester of the next school year shall be reviewed by the expulsion examiner to determine if there has been newly discovered evidence or evidence of a change in the student's circumstances

occurring since the original meeting. If so, the expulsion may be recommended to the Superintendent that the student be readmitted for the second semester or at the beginning of the new school year.

C. Disabled Students

In accordance with Board Policy [2461](#), prior to expulsion a student in Special Education must be referred to the Case Conference Committee and those disabled under 504 to the 504 Committee to determine if the behavior is related to the disability.

A record of the student's suspension or expulsion shall be made a part of his/her permanent record.

D. Waiver

The student and his/her parents may waive any of the rights described in this guideline or the student/parent handbook if the waiver is submitted, in writing, and signed by both student and parents. The signatures should be witnessed. The waiver must be made with knowledge of the due process procedure described in the student/parent handbook and the consequences of the waiver. Additionally, the student can constructively waive the right to an expulsion meeting by simply not availing himself/herself of the opportunity for it.

E. Alternatives to Suspension or Expulsion

Based on the evidence presented at the expulsion meeting, an in-school restriction (see AG 5610.02) may be implemented by the expulsion examiner.

F. Referral to Law Enforcement

A student must be referred to local law enforcement if the misconduct involved a student physically assaulting a person having authority over the student or possession of a firearm, deadly weapon, or destructive device.

