

Suspension/Expulsion of Students (Hearing Procedures)

A. Procedure for suspension of 10 days or less

Through written policy, the Board of Education has delegated to any school principal or to a person designated in writing by the principal, the power to suspend a student for not more than three, five, or 10 school days, depending upon the grade of the student and type of 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 will not exceed 25 school days. As a general rule, a suspension will be three school days or less for students in preschool through second grade, and five or ten school days for students in third grade and higher grade levels.

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 will give the student and parent/guardian notice of the contemplated action. Such notice may be oral or in writing. If oral, such notice will be followed by written notice. If written, delivery will be deemed to be completed at such time as the notice is deposited in the United States mail addressed to the last known address of the student or student's parent/guardian.
2. **Contents of notice.** The notice will 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 sent out formally but should sufficiently inform the student and parent/guardian of the basis for the contemplated action.

3. **Informal hearing.** In an informal setting, the student will be given an opportunity to admit or deny the accusation and to give his or her version of the events. The principal or designee may go further in allowing the student to present witnesses or may themselves call the accuser and hold a more extensive hearing in order to gather relevant information and 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 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, the student's removal notice and an informal hearing should follow as soon after as practicable.
6. **Decision.** If following the informal hearing the disciplinary action contemplated involves suspension, the principal or designee will base the decision as to whether to suspend primarily on the informal hearing.

If a principal or designee determines that suspension is warranted, he or she may suspend the student for a period not to exceed five school days. However, if the suspension is for serious violations, the period of suspension may be up to and including 10 school days. The duration of the suspension will be subject to the policies and regulations of the Board.

7. **Notification following suspension.** If a student is suspended, the principal or designee delegated the authority to suspend will immediately notify the parent/guardian that the student has been suspended, the grounds for such suspension and the period of such suspension. The notification will include the time and place for the parent/guardian to meet with the principal or designee to review the suspension.
8. **Removal from school grounds.** A suspended student must leave the school building and the school grounds immediately following a determination by the parent/guardian and the principal or designee of the best way to transfer custody of the student to the parent/guardian.
9. **Readmittance.** No student will be readmitted to school until the meeting with the parent/guardian has taken place or until, in the opinion of the principal or designee, the parent/guardian has substantially agreed to review the suspension with the principal or designee. However, if the principal or designee cannot contact the parent/guardian or if the parent/guardian repeatedly fails to appear for scheduled meetings, the principal or designee may readmit the student. The meeting will address whether there is a need to develop a remedial discipline plan for the student in an effort to prevent further disciplinary action.
10. **Make-up work.** Suspended students will 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 full or partial academic credit to the extent possible for makeup work which is completed satisfactorily. In determining whether to provide full or partial credit, pursuant to state law, the goal is to reintegrate the student back into the classroom and help prevent the student from dropping out.
11. **Procedure in lieu of suspension.** In lieu of suspension, a student may remain in school with the consent of the student's teachers if the student's parent/guardian agrees to attend all classes with the student for a period of time specified by the principal or designee. If the parent/guardian does not agree or fails to attend classes with the student, the student will be

suspended. The principal or designee may determine that the student's presence in school, even with the student's parent/guardian, poses a threat or potential for disruption. In this case, the option for the student to attend with a parent/guardian may not be permitted.

B. Procedure for extension of suspensions

1. The superintendent at his or her discretion may extend a suspension imposed by a principal or designee for a period not to exceed 10 school days. Such extension may be accomplished without further conference or prior notice. The student and the student's parent/guardian will be given written notice of the extension.
2. Following an initial extension of a suspension, the superintendent may extend the suspension for an additional 10 school days if necessary in order to present the matter at the next meeting of the Board. If it is determined that an additional suspension is warranted, the parent/guardian will be notified as soon as practical. The total period of suspension shall not exceed 25 school days.
3. No student will be readmitted to school until a meeting or conference with the superintendent has taken place and the circumstances of the suspension reviewed.

C. Procedure for expulsion or denial of admission

In the event that the superintendent contemplates action denying admission to any student or prospective student or expelling any student, the following procedures shall be followed (If mandatory expulsion proceedings are pending and the student(s) involved chooses to withdraw from school prior to the expulsion hearing, the district will proceed with the expulsion process.)

1. **Notice.** Prior to the date of the contemplated action, the superintendent will cause written notice of such proposed action to be delivered to the student and the student's parent/guardian. Such delivery may be in person or by United States mail and will be deemed to be completed when the notice is deposited in the 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 have actual notice of the hearing prior to the time it is held.
3. **Contents of notice.** The notice will contain the following basic information:
 - a. A statement of the alleged reasons 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 the student's parent/guardian.

- 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 the student, that the student will have an opportunity to present such information as is relevant and that the student 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. The hearing will be conducted by the superintendent or designee. The hearing may be conducted in open session or may be closed except to those individuals deemed advisable by the superintendent or designee but including in all events the student, the student's parent/guardian and, if requested, the student's attorney. Such individuals as may have pertinent information will be admitted to a closed hearing to the extent necessary to provide such information.

Testimony and information may be presented under oath if requested by either party. However, technical rules of evidence will not be applicable, and the superintendent or designee may consider and give appropriate weight to such information or evidence deemed appropriate. The student's written statement, if any, may be presented as evidence in accordance with applicable law. The student or the student's representative may question individuals presenting information.

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

If the hearing is conducted by a designee, findings and recommendations will be forwarded to the superintendent. The superintendent will render a written decision no later than five school days after the hearing. The decision will be delivered to the student or the student's parent/guardian in the manner described above. In his or her opinion, the superintendent may establish reasonable conditions for readmission as well as the duration of the expulsion, which may not extend beyond one calendar year.

Each semester, the superintendent will provide a written summary of expulsion information to the Board.

5. **Appeal.** The student or the student's parent/guardian will have the right to appeal the decision of the superintendent to the Board provided that the superintendent is given written notice of such appeal within 10 school days of the superintendent's decision. The Board will set the matter for hearing at its next regular meeting.

If an appeal is properly requested, the Board will review the record concerning the expulsion or denial of admission. The record includes notices and other documents concerning the challenged action, the transcript of the testimony, if any, the hearing exhibits, the findings and recommendation of the hearing officer, the hearing officer's written decision,

and other documents concerning the challenged action. The student may be represented by counsel at the appeal. Representatives of the district and the parents may make brief statements to the Board, but no new evidence may be presented unless such evidence was not reasonably discoverable at the time of the hearing. Members of the Board may ask questions for purposes of clarification of the record.

Upon conclusion of the hearing, the Board may vote to affirm, reverse or modify the superintendent's decision. The Board's decision will be communicated orally and entered in the minutes of the meeting. Upon written request, the Board's decision will be reduced to writing for purposes of further judicial review pursuant to state law.

6. **Information to parents.** If a student between the ages of six and 17 is expelled, the parent/guardian will be responsible for ensuring compliance with the compulsory school attendance law during the expulsion period. 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/guardian chooses to provide a home-based education program for the student, district personnel will assist the parent/guardian in obtaining appropriate curricula for the student if requested by the parent/guardian.

If a student is expelled and is not receiving services through the district, the school district will contact the expelled student's parent/guardian at least once every 60 days until the student is eligible to re-enroll 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 through the juvenile justice system.

7. **Re-admittance.** 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.

Additionally, the district retains the right to assign the student returning from expulsion to any school site in the district, if deemed appropriate.

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 principal or designee cannot contact the parent/guardian or if the parent/guardian repeatedly fails to appear for scheduled meetings, the principal or designee may readmit the student.

D. 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 a 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.
 - c. Grounds for expulsion of the student exist.
2. If it is determined that the student should not be educated in the schools of the district and that grounds for expulsion exist, the district will proceed with the expulsion of 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 education program, including but not limited to, an online program authorized by state law or home-based education 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 education program will 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. Discipline procedures for any student with a disability will be in accordance with state and federal law and Board policy.
6. 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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**Educational services will be provided to the extent they are funded by the state legislature, the department of education, grants or by existing agreements with community agencies.*

St. Vrain Valley School District RE-1J, Longmont, Colorado