Students

SUSPENSION AND EXPULSION POLICY/PROCEDURES

I. SUSPENSIONS

Students may be suspended or expelled from school according to the consequences listed in the Student Code of Conduct (Policy JFC) or gross misbehavior. The following due process procedures will be followed.

A. Types-Definitions

Class Suspension – The student is suspended from a specific class, program, or school activity. The student may continue to attend all other classes, programs, or activities.

In-School Suspension – The student is suspended from attending classes; however, attendance during school hours at a designated place will be required. A determination will be made concerning participation/attendance at after school activities.

Out-of-School Suspension – The student is suspended from all phases of the school program and cannot be present on the premises of ANY school and/or any school activity without the specific permission of the suspending administrator. Out-of-School suspension may be served at an alternative site determined by the administration.

B. Suspension Policy/Due Process Requirements

<table>
<thead>
<tr>
<th>Length or Type</th>
<th>Who Suspends</th>
<th>Due Process Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Snap Suspension</td>
<td>Teacher</td>
<td>Teacher must follow requirements of PA 103, Section 1309.</td>
</tr>
<tr>
<td>Class Suspension</td>
<td>Principal, Assistant</td>
<td>Informal meeting with suspending official prior to suspension.</td>
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<tr>
<td></td>
<td>Principal, or Designee</td>
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<tr>
<td>In-School Suspension</td>
<td>Principal, Assistant</td>
<td>Hearing with parties involved upon request of student or parent.</td>
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<td>Principal, or Designee</td>
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<tr>
<td>Out-of-School Suspensions 1-10 Days</td>
<td>Principal, Assistant</td>
<td>Informal meeting with suspending official prior to suspension. Hearings with parties involved upon request of student or parent.</td>
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<tr>
<td></td>
<td>Principal, or Designee</td>
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</table>
## SUSPENSION POLICY/DUE PROCESS REQUIREMENTS (CONTINUED)

<table>
<thead>
<tr>
<th>Length or Type</th>
<th>Who Suspends</th>
<th>Due Process Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>11-20 School Days</td>
<td>Superintendent upon recommendation of Principal.</td>
<td>Hearing before the Superintendent or his/her designee upon request of student or parent.</td>
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</tbody>
</table>

### Expulsions

<table>
<thead>
<tr>
<th>Length or Type</th>
<th>Who Suspends</th>
<th>Due Process Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 180 School Days for a Gross Misdemeanor or Persistent Disobedience</td>
<td>Superintendent upon recommendation of Principal.</td>
<td>Hearing with Superintendent.</td>
</tr>
<tr>
<td>180 School Days or Greater for all other offenses</td>
<td>Board of Education upon recommendation of the Superintendent.</td>
<td>Hearing with Board of Education.</td>
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</table>

### Suspension Procedures

1. The student shall be informed of the specific charges which could be the basis for disciplinary action and the student shall be reminded of the existence of this policy and provided a copy upon request.

2. The student shall have the right to present to the building administrator any relevant information that will support his/her defense.

3. If suspension is imposed, the building administrator shall:
   
   a. Notify the parents as soon as possible of the suspension, the reasons for it, and the process and requirement necessary to secure the student's reinstatement;
   
   b. Confer with the parents or guardian and the student to secure complete understanding of the reinstatement process and to plan a remedial course of action.

4. The student or parents may request another hearing. If this results in refuting the basis for the suspension, the student shall be reinstated.
5. In case of any instance in which a student is not allowed to attend a class or classes for an indefinite period not otherwise provided for under these rules, the building administrator shall:

a. Notify the parents of the class exclusion and the reasons for it and the process and requirements necessary to secure the student's re-admittance.

b. Remind the parents of the existence of this policy and provide a copy, upon request.

c. Notify the parents that if the exclusion lasts longer than 10 days, they may appeal to the Superintendent or his/her designee.

d. Notify the parents that if the exclusion lasts longer than 20 days, they may appeal to the Board of Education.

e. Meet with the parents and students to secure complete understanding of the reinstatement process and to plan a remedial course of action.

D. Suspensions/Student Credit

In all cases of suspension, it shall be the responsibility of the student to keep pace with his/her class(es). The type of suspension will determine whether credits are granted for class work as indicated below.

1. **In-School Suspension** – Each teacher having the student in class shall, upon request, provide those assignments given to the class of which the student was a member. The suspended student shall have the right to have all written work graded in the same manner as regular class work, provided that such written work reaches the involved teacher at substantially the same time comparable work is received from the class as a whole. Students missing a participation/activity class due to suspension will receive an alternative assignment and/or a make-up class as determined by the teacher so that the same credit for class work may be earned.

2. **Out-of-School Suspension** – Each teacher having the student in class shall, upon request, provide those assignments given to the class of which the suspended student was a member. The suspended student shall have the right to have all written work graded in the same manner as regular class work, provided that such written work reaches the involved teacher at substantially the same time comparable work is received from the class as a whole. Students missing a participation/activity class due to suspension will receive an alternative assignment and/or a make-up class as determined by the teacher so that the same credit for class work may be earned.

Suspended students shall be entitled to write all written examinations and/or tests at a time and place determined by the building administrator.
II. EXPULSIONS

A. Definition – Expulsion is the removal from school by the Superintendent or the Board of Education of a student for a period greater than 20 days and up to the remainder of the school year in which the expulsion occurs; or for a specified period in excess of the remainder of the school year in which the expulsion occurs; or until reinstatement conditions imposed by the Board of Education are met in a subsequent school year.

B. Legal Basis – Section 1311 of “The Revised School Code” MCLA 380.1311(1), provides: “the school board or the school district superintendent, a school building principal, or other school official if designated by the school board, may authorize or order the suspension or expulsion from school of a pupil guilty of gross misdemeanor or persistent disobedience, if in the judgment of the school board or its designee the interest of the school is served by the authorization or order.”

C. Procedure

1. Principal or Superintendent recommends expulsion, presents written notice of charges to student or parents/guardian. Written notice to indicate time and place of hearing, giving reasonable notice.

2. Parent or guardian shall be present at the hearing.

3. The student, parent or guardian may be represented by legal counsel of their choice and at their expense.

4. The student shall be given an opportunity to give his/her version of the facts and their implications. He/she should be allowed to offer the testimony of other witnesses and other evidence.

5. The student shall be allowed to observe all evidence offered against him. In addition, he/she shall be allowed to question any witness.

6. The hearing shall be conducted by the Superintendent or Board of Education who shall make its determination solely upon the evidence presented at the hearing. Such evidence may be cumulative or pertain to a specific incident.

7. Parents may appeal the expulsion decision of the Superintendent to the Board’s Curriculum and Students Committee.

8. A record shall be kept of the hearing.
EXPULSION PROCEDURES (CONTINUED)

9. The Superintendent or Board of Education shall state within a reasonable time after the hearing its findings as to whether or not the student charged is guilty of the conduct charges and its decision as to expulsion.

10. The findings of the hearing authority shall be reduced to writing and sent to the student and his parent or guardian.

D. Appeal Process

Parents/guardians may appeal the decision of the Superintendent in expulsion hearings for students under the age of 18, students 18 years and older or emancipated students may appeal on their own behalf by using the following procedure.

1. Within five (5) school days of the written notice of expulsion, the parent/guardian of an expelled student must notify the Secretary of the Board of Education of their desire to appeal the Superintendent’s decision.

2. The Board’s Curriculum and Students Committee shall schedule a meeting as soon as practical to hear the appeal.

3. The parent/guardian or student must be present at this hearing to present their case to the Board’s Committee.

4. The Board Committee will render its decision within five (5) school days of the appeal hearing.

III. SUSPENSION/EXPULSION OF HANDICAPPED YOUTH

A. Definitions

Change in placement - This takes place when a student has been suspended for a total of more than 10 school days, including in-school suspensions when there is a loss of opportunity to work on IEP goals.

Manifestation Determination Review – this is a special type of IEP Team meeting held when a student with disabilities is being disciplined for a problem behavior incident by removal from the current IEP and related placements, in excess of 10 school days within the current school year.

Functional Behavior Assessment (FBA) – The process of gathering and analyzing information for the development of effective Behavior Intervention Plans.

Behavior Intervention Plan (BIP) – A written, specific, purposeful and organized plan, which described positive behavioral interventions and other strategies that will be implemented to address goals for a student’s social, emotional and behavioral development. A BIP may be developed within or outside the context of the IEP process.
B. Suspension Handicapped Youth

Suspension
Suspension of a student with disabilities for 10 days or less does not represent a change in educational status. Therefore, it does not require the convening of an Individual Education Plan (IEP) Team and/or Manifestation Determination Review. The routine suspension procedures contained in this policy may be applied to students with disabilities.

If a handicapped student is to be removed from his or her current educational placement for more than ten school days in a given year, then a manifestation determination review is required. The manifestation determination review must take place as soon as possible, but not later than ten school days after the decision to take the action is made.

C. Expulsion

1. Expulsion is a change of educational status and, as such, requires the convening of an IEP Team as part of the expulsion process. The IEP Team meeting will precede any Board of Education action. The purpose of the IEP Team meeting pending the expulsion is:

   a. To request further evaluation, if needed, including Functional Behavioral Assessment.

   b. May recommend a change in eligibility and/or placement if either is found to be inappropriate.

   c. Must determine whether the infraction is a manifestation of the student's disability.

2. In accordance with the rules governing due process for handicapped students as specified in Michigan Revised Administrative Rules for Special Education, the parent or legal guardian has a right to appeal the decisions of the IEP Team to a hearing officer appointed by the mutual agreement of the parties. An adverse decision may be appealed to the State Superintendent of Public Instruction. This course of action is above and beyond those established for expulsion of general education students.

3. If the student's special education eligibility and placement are appropriate and the behavior is deemed not to be a manifestation of the disability, as determined by IEP Team, the Superintendent will notify the student's parents or legal guardian and proceed with the expulsion procedures and make the recommendation of expulsion to the Board of Education. A hearing before the Board of Education will be scheduled as soon as possible.
EXPULSION (CONTINUED)

4. A student with disabilities must remain in his/her current placement until a final decision is made by the Board of Education, unless it is determined by judicial order or upon mutual agreement of the parties that removal of the student is essential, as the presence of this student constitutes a threat to the health, welfare and safety of others and himself. Upon such judicial order or mutual agreement, an interim placement may be made until completion of the hearing process. Students with disabilities may be suspended for up to ten days pending the completion of the expulsion/hearing process.

5. A student with disabilities may be unilaterally placed by the Superintendent, in an Interim Alternative Educational Setting (IAAES) for a maximum of 45 days if the student brings a weapon to school or a school function, or the student possesses, uses, or sells illegal drugs or controlled substances. The IEP Team shall determine the IAES. The setting shall enable the student to continue to participate in the general education curriculum and to receive needed special education programs and services. In addition, if the Superintendent believes the student is dangerous, she/he may immediately suspend the student and appoint a special education Hearing Officer to conduct an expedited hearing, seeking an order to place the student in an IAES for up to 45 days.

Policy: Board Action
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Amended: July 19, 1999
November 15, 1999
February 4, 2008
(formerly JFC)