

Book	Policy Manual
Section	Policies for the Board
Title	Copy of Vol. 33, No. 1 - September 2018 Revised DUE PROCESS RIGHTS
Code	po5611
Status	First reading
Adopted	November 1, 1991
Last Revised	September 20, 2019

### 5611 - **DUE PROCESS RIGHTS**

The Board of Education recognizes the importance of safeguarding a student's constitutional rights, particularly when subject to the District's disciplinary procedures.

To better ensure appropriate due-process is provided a student, the Board establishes the following guidelines:

**A. Students subject to short-term suspension:**

Except when emergency removal is warranted, a student must be given oral or written notice of the charges against him/her and the opportunity to respond prior to the implementation of a suspension. When emergency removal has been implemented, notice and opportunity to respond shall occur as soon as reasonably possible. The principal or other designated administrator shall provide the opportunity to be heard and shall be responsible for making the suspension decision. An appeal may be addressed to the Superintendent whose decision will be final.

**B. Students subject to long-term suspension and expulsion:**

A student and his/her parent or guardian must be given written notice of the intention to suspend or expel and the reasons therefore, and an opportunity to appear with a representative before the **( X ) Board ( ) Superintendent** to answer the charges. The student and/or his/her guardian must also be provided a brief description of the student's rights and of the hearing procedure, a list of the witnesses who will provide testimony to the **( X ) Board ( ) Superintendent**, and a summary of the facts to which the witnesses will testify. At the student's request, the hearing may be private, but the **( X ) Board ( ) Superintendent** must act publicly. The Board shall act on any appeal, which must be submitted in writing, to an expulsion ~~(Policy 5610 and/or Policy 5610.01)~~, to a request for reinstatement ~~(Policy 5610.01)~~, or to a request for admission after being permanently expelled from another district (Policy 5610.01).

The Superintendent shall establish procedures so that all members of the staff use the above guidelines when dealing with students. In addition, this statement of due process rights is to be placed in all student handbooks in a manner that will facilitate understanding by students and their parents.

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Last Modified by Amy Manchester on September 20, 2019