

District: Tupelo Public School District

Section: J - Students

Policy Code: JCAA - Due Process

BOARD POLICY

A student who has been expelled, suspended or otherwise denied admission to attend school for a period of more than ten days has the right to due process only as provided herein and according to law. All aspects, circumstances and records of the student's case shall be confidential and available only to authorized school officials dealing with the student and to the student's parents (or legal guardians) and attorneys for the student and for the Board. The following procedures provide notice and opportunity to be heard in such matters.

Step I: INITIAL INFORMAL HEARING

Applies to: Suspensions of ten days or less

Suspensions of eleven days or more

Recommendations of expulsion,

Referral to alternative programs, or denials of admission

An initial informal hearing is required in each case where disciplinary action may be taken against a student involving a suspension, expulsion or referral to an alternative program or where an expelled student makes application or readmission following the conclusion of the minimum expulsion period. After an initial investigation appropriate under the circumstances, the principal, superintendent or designee shall:

1. Advise the student of the charges against him or reasons for nonadmission;
2. Afford the student a full opportunity to respond; and
3. If the student denies the charges or contests the reasons for nonadmission, explain the evidence in support thereof.

After the informal hearing, the principal may take the following actions:

1. Suspension of ten days or less: The principal may suspend the student for not longer than ten consecutive school days and issue a notification of the suspension to the student and parent. The suspension is effective immediately and no further due process is required.
2. Immediate removal: The principal may immediately dismiss the student from school for the day when such is necessary to restore order, to protect the safety of the student or others and/or to resume normal school functions, but when an immediate suspension is

not or may not be appropriate. A student sent home under these circumstances shall be instructed to return the following day with his parent. Should the student not return as instructed, the principal shall mail a "Notice of Suspension" for ten days or less, as appropriate.

3. Immediate suspension and recommendation of expulsion: The principal shall immediately suspend a student for ten days or less and recommend expulsion when there is reason to believe that the student committed an unlawful or violent act, as defined or otherwise provided by District policy. The principal or superintendent shall give the student and parent a written notification of the disciplinary action and a statement of the district due process rights. A copy of the notice shall be hand-delivered or mailed to the parent. The suspension shall be effective immediately, pending conclusion of a due process hearing on the recommendation of expulsion.
4. Immediate suspension and recommendation of suspension of eleven days or more/Expulsion: The principal or the superintendent may immediately suspend a student for ten days or less and recommend a suspension of eleven days or more, referral to an alternative program, or expulsion, as appropriate under the circumstances. The principal or superintendent shall give the student and parent a written notification of the disciplinary action and a statement of the district due process rights. A copy of the notice shall be hand-delivered or mailed to the parent. The suspension or referral shall be effective immediately, pending the conclusion of a due process hearing (should a hearing be requested by the student and parent) on the recommendation of long-term suspension or expulsion.
5. Denial of admission: The principal or superintendent may recommend a denial of admission, which shall be effective immediately, pending the conclusion of due process. The principal or superintendent shall give the student and parent a written notification of the disciplinary action and a statement of the district due process rights. A copy of the notice shall be hand-delivered or mailed to the parent.

Step II: DISTRICT DISCIPLINARY COMMITTEE (DDC) HEARING:

Applies to: Suspension of eleven days or more
 Referrals to an alternative program
 Expulsions, or denials of admissions

Should the student and/or parent request a due process hearing, procedures for the hearing will be as follows:

1. The DDC shall be composed of a hearing officer and three panel members chosen from a list of eligible school administrators. Before being eligible to serve on the DDC, panel members will undergo training by the assistant superintendent. The composition of the DDC will be selected in such manner to contain a fair distribution of members.
2. A hearing officer will preside over the hearing and will not vote. Only the three panel members of the DDC will vote and make the recommendations for disciplinary actions.
3. The hearing will be conducted in a relatively informal manner. No person will be admitted to the hearing except members of the DDC, the principal or designee involved, the student and his parents, and witnesses, **and legal counsel for the District and the student (if any) who may present evidence and cross-examine witnesses presented by the other party.** The purpose of the hearing will be to listen to both the student as well as the

administrator from the school site and to determine whether the student has committed an act that violates school policy(ies) or state law. **The standard of proof shall be substantial evidence.**

4. If the DDC determines that the student did not violate school policy(ies) or state law, the student will be allowed to return to school. If the DDC determines that the student did violate school policy(ies) or state law, then the DDC will recommend the disciplinary action to be imposed.
5. The DDC may recommend (1) the disciplinary action as determined by the principal be upheld, (2) the placement of the student on probation, (3) placement to an alternative school, (4) expulsion, or (5) that no action be taken against the student.

Step III: APPEAL

Applies to: Suspension of eleven days or more
 Referrals to an alternative program
 Expulsions, or denials of admissions

If the parent ~~or principal~~ disagrees with the decision of the DDC, he/she may file a written request for appeal to the superintendent within two (2) working days after receiving the result of the DDC. The superintendent or designee will:

1. Review the information reported by the DDC hearing. This review will be of the record only, and no new testimony or evidence will be received or considered. The superintendent or designee will not be obligated to review anything other than the record.
2. Report back to the appealing party whether he/she concurs with the decision of the DDC or make other recommendations if he/she disagrees with the decision. The review and decision of the superintendent or designee will be made within five (5) working days of receipt of the request for appeal.
3. All recommendations by the superintendent of expulsions or denials of admission shall be subject to review by the Board.

Step IV: REVIEW BY THE BOARD OF TRUSTEES

Applies to: Suspension longer than ten days
 Alternative school placement
 Expulsions

If the parent disagrees with the decision of the superintendent or designee, he/she may **request to appear before appeal to the Board to present an appeal.** Such request to appear for appeal must be submitted to the Board within two (2) working days after receiving the superintendent's decision.

The Board shall, at its next regular meeting or a special meeting following the recommendation,

review and take final action on all recommendations for expulsions, denial of admission and any requests for review of suspensions. All considerations of student disciplinary actions shall be conducted in accordance with standard Board procedure. **The standard of proof shall be substantial evidence.** All decisions by the Board shall be final.

DEFINITIONS

Parent: As used in this policy, the term “parent” shall include a natural or adopted parent, a legal guardian or other person having custody of a compulsory-school-age student. Upon reaching age eighteen, a student acquires all the due process rights of parents listed in this policy.

Revision effective July 1, 2017

Last Review Date:

Review History:

Adopted Date: 12/9/2013

Approved/Revised Date:

District: Tupelo Public School District

Section: J - Students

Policy Code: JDD - Suspension

BOARD POLICY

1. The superintendent and the principal of a school have the power to suspend a student for good cause, including misconduct in the school or on school property, on the road to and from school, or at any school-related activity or event, or for conduct occurring on property other than school property or other than at a school-related activity or event when such conduct by a student, in the determination of the superintendent or principal, renders that student's presence in the classroom a disruption to the educational environment of the school or a detriment to the best interest and welfare of the students and teacher of such class as a whole, or for any reason for which such student might be suspended, dismissed or expelled by the Board under state or federal law or any rule, regulation or policy of the Board.

2. a. The superintendent, principal or designee may immediately suspend a student for misconduct for no longer than ten (10) consecutive school days **or less**, subject to an informal hearing. **In such cases, the student will be advised of the charges against him/her and be provided an opportunity to respond to the charges.**

b. The superintendent, principal or designee may recommend suspensions for eleven days or more for more serious disciplinary offenses. In such cases, the superintendent, principal or designee may immediately suspend the student for no longer than ten (10) consecutive school days and recommend a long-term suspension, subject to an informal hearing and pending the conclusion of a due process hearing.

DEFINITIONS

Parent: As used in this policy, the term "parent" shall include a natural or adopted parent, a legal guardian or other person having custody of a compulsory-school-age student.

LEGAL REF: MCA §§ 37-9-71, 37-11-53

Last Review Date: _____

Review History:

ADMINISTRATIVE PROCEDURE

1. Where the principal did not witness the misconduct or other violations, an investigation shall be initiated to gather facts, and a written record made of the investigation. Upon completion of the investigation, or in the discretion of the principal if a suspension is warranted pending completion of the investigation, the principal shall take the following steps with the student:

a. Advise the student of the conduct with which he/she is charged and of the specific District policy(ies) or regulation(s) which this conduct violates; (NOTE: The policy(ies) may be supplemented if the investigation produces information relative to additional policy(ies) / regulation(s) that the student has violated.)

b. Allow the student to give his/her version of the events;

c. If at this point the principal is convinced a suspension is necessary, advise the student that he/she is suspended for a specific period of time, not to exceed ten (10) days excluding the day the action is taken.

d. Advise the student that his/her parents will be notified and that the student and his parents are invited to an informal hearing with the principal at the earliest possible time for the purpose of discussing the suspension and any additional action that is likely to occur.

2. The principal or designee shall then attempt to telephone or personally contact the parent(s) as soon as possible, to notify him/her/them of the same information given to the student (paragraph 1).

3. The principal shall prepare a written Notice of Suspension, addressed to the parent(s), restating the information mentioned in paragraph 1 above and, if needed, arranging an informal hearing to discuss events surrounding the suspension with the parent(s).

a. The time, place, and date of the informal hearing will be stated in the Notice, even if the Notice will necessarily be received after the informal hearing has occurred.

b. The original Notice shall be mailed to the parents with a copy to the superintendent.

c. Information from the Notice shall be input to the student database.

4. a. The principal shall advise the parent(s) that if, for any reason, the scheduled informal hearing does not occur, the parent(s) may contact the principal to arrange a new informal hearing.

b. In accordance with law, any parent who refuses or willfully fails to attend the informal discipline conference may be summoned by proper notification by the superintendent or the school attendance officer and be required to attend such discipline conference. Any parent who fails to attend a discipline conference to which he/she has been summoned shall be guilty of a misdemeanor and subject to a Two Hundred Fifty Dollars (\$ 250.00) fine.

5. The hearing will be conducted in a fair and informal manner. The principal will determine whether alleged wrongful conduct actually occurred, whether there are mitigating or extenuating circumstances and whether the conduct violated District policy(ies) and/or regulation(s). Based on these determinations, the informal hearing may result in a decision by the principal that the best interests of the student and the school are served by continuation of the suspension, termination of the suspension, excusing or not excusing the resulting absences, or other disciplinary or remedial action. The principal must be guided by the necessity to achieve the best interests of the student and the school and to promote the educational process.

6. Upon the termination of the period of suspension, the principal shall prepare a brief report supplementing the original Notice of Suspension, describing the course of events, the substance of any conferences and the concluding decision of the principal. A copy of this report shall be filed in the principal's office and a copy forwarded to the superintendent.

7. a. If the superintendent or principal deems the offense of such gravity as to require suspension for a period of more than ten days (placement at the Alternative School or expulsion), the student or parent(s) may request a due process hearing in accordance with District policy.

b. If the student offense involves threat of harm to self or others or threat of destruction of property, an outside evaluation by a licensed psychologist or psychiatrist will be required before such hearing will take place. The evaluation must include a statement of whether the student, in the opinion of the examiner, is a threat to self, to others or to property.

8. A principal may suspend a student without affording him the notice and hearing provided above where the student is obviously intoxicated, under the influence of drugs, mentally deranged, or where his presence otherwise poses a

continuing danger to persons or property or an ongoing threat of disrupting the academic process. In such cases, however, the hearing referenced above shall be provided as soon as practicable, preferably not later than the next school day.

9. A suspended student shall not trespass upon any school campus or enter into any other school building except for a pre-arranged conference with a principal.

10. When school is not in session due to an emergency closing, a suspended student cannot count the missed days (of the emergency closing) toward serving his/her suspension.

Adopted Date: 7/22/2003

Approved/Revised Date:

District: Tupelo Public School District
Section: D - Fiscal Management
Policy Code: DJAA - Authorized Signatures

AUTHORIZED SIGNATURES

~~It shall be Board policy that both~~ **Both** the superintendent and the Director of Finance shall sign all checks and warrants issued by the District. **The Assistant Director of Finance is also an authorized signatory on District accounts.** For the issuance of payroll and accounts payable checks, the Board authorizes the use of a mechanically imprinted signature of the superintendent and Director of Finance. No one shall use a signature stamp on behalf of an authorized District officer without prior ~~general~~ authority from such officer to do so. Such stamp shall be kept in a secured and locked location.

Checks drawn on the Tupelo High School Activity and/or Athletic Fund account shall be signed by two authorized District officers.

Last Review Date:
Review History:

ADMINISTRATIVE PROCEDURES

All checks drawn on the THS Activity and/or Athletic Fund shall be signed by two of the following: the Athletic Director, the principal, the bookkeeper, the superintendent and/or the Director of Finance.

Adopted Date: 4/24/2001
Approved/Revised Date: