

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:

A student must be given notice of his/her suspension and the reasons therefore, and the opportunity to **explain what happened. The length of a suspension shall not exceed ten (10) school days. Students suspended due to gross disobedience or misconduct on a school bus, may be suspended in excess of ten (10) school days for safety reasons. A suspension may be appealed to the Board of Education. Any suspension may be reported immediately to the student's parent or guardian along with a full statement of the specific gross disobedience or misconduct resulting in the suspension and notice of their right to review** respond to the charges against him/her prior to the suspension. ~~The length of a suspension shall not exceed ten (10) days. A suspension may be appealed to the Board of Education.~~

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

Expulsion shall take place only after the student's parents have been requested to appear at a meeting of the Board, or with a hearing officer appointed by it, to discuss their student's behavior. ~~A student and his/her parent or guardian must be given written notice via certified or registered mail of the intention to suspend or expel and the reasons therefore, and an opportunity to appear with a representative before the Board or a hearing officer appointed by the Board 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 Board, and a summary of the facts to which the witnesses will testify. The hearing may be private, but the Board must act publicly. Written notice via certified or registered mail of the intention to expel and the reasons therefore, as well as the time and the place of~~

the meeting shall be sent to the parents. 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 Board, and a summary of the facts to which the witnesses will testify. The hearing may be private, but the Board must act publicly.

During the expulsion hearing, the Board or hearing office shall hear evidence as to whether the student is guilty of gross disobedience or misconduct. After presentation of the evidence or receipt of the hearing office report, the Board shall decide the issue of guilt and take action as it finds appropriate.

If the Board acts to expel the student, its written decision shall:

- 1. include specific reason(s) why removing the student from his/her learning environment is in the best interest of the school;***
- 2. provide reason(s) for the period of the recommended expulsion;***
- 3. document whether school officials determined that other interventions were attempted or whether school officials determined that no other appropriate and available interventions existed for the student;***
- 4. indicate if the student's continuing presence in school would pose a threat to school safety and substantially disrupt, impede, or interfere with school operations or learning.***

The Superintendent, ***or designee,*** shall establish procedures to ensure 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.