

JCAA STUDENT DUE PROCESS RIGHTS

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 CONFERENCE

~~Applies to: suspension of 10 days or less and other violations not involve referral to an alternative program, expulsion or suspension of eleven days or more.~~

~~When any violation or misconduct occurs which does not warrant suspension of eleven days or more, expulsion or referral to an alternative program, the principal or designee shall conduct an appropriate, informal inquiry or investigation. The student, if present, should be informed of the charges against him or her and afforded an opportunity to respond to the charges. If the principal or designee finds that punishment should be imposed, the punishment should be in accordance with the disciplinary ladder. A student or parent who feels aggrieved by the punishment may have a conference with the principal (or at the principal's option, the designee) as soon as is reasonably possible based on the schedule of the principal or designee. Punishment shall not be stayed pending the conference. For these types of violations, no other due process shall be afforded. However, a student or parent may request an informal review by the assistant superintendent by stating clearly in writing the circumstances of the violation, the punishment and the reasons why the student or parent is aggrieved, with a copy to the principal. The review by the assistant superintendent, if any, is final.~~

Step I: ~~Step II:~~ 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, ~~of eleven days or more,~~ 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 ~~suspended~~ 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 ~~or superintendent~~ 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's designee 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's designee 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 III: REVIEW BY SUPERINTENDENT; REQUEST FOR HEARING

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

~~The superintendent or designee shall review all information provided from the initial informal hearing. In addition, the superintendent or designee can request further information as may be needed. Review by the superintendent or designee will determine if the recommendation to refer a student to the alternative program is the appropriate disciplinary action. If, the superintendent or designee determines that the recommendation is the appropriate disciplinary action, the following steps shall occur:~~

- ~~1. The superintendent or designee 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.~~
- ~~2. The superintendent or designee shall inform the parent of the right to appeal the initial recommendation of suspension for more than ten days, referral to an alternative program, or expulsion, by requesting a student disciplinary hearing. The request for a student disciplinary hearing must be in writing and must be submitted to the office of the superintendent or designee within three working days following notification of the decision of the superintendent or designee.~~
- ~~3. Should a written request for a student disciplinary hearing be received from the parent within three working days in the office of the superintendent or designee, a District Disciplinary Committee (DDC) hearing shall be scheduled no later than the tenth school day following the date of the initial notification.~~
- ~~4. If a written request for a hearing is not filed within three working days by the parent, the imposition of discipline will stand.~~
- ~~5. Pending the outcome of the DDC hearing: • The student may return to school if the principal determines that his continued presence is not detrimental to the normal functioning of the school program, or where the DDC cannot hear the charges of the student within the time dictated by this policy. • The student may be placed in In-School Suspension (ISS) until the hearing is held.~~
- ~~6. Variances to this procedure may be made by agreement or to effect justice in hardship circumstances.~~

Step II IV: 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** ~~DDC~~ 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, To be eligible, panel members will undergo training shall be trained** by the assistant superintendent. ~~at the beginning of each school year.~~ The composition of the DDC will be selected in such manner to contain a fair distribution of members.
2. ~~The~~ **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**. 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.
4. ~~If it is~~ **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 ~~can~~ **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, ~~and/or~~ (5) that no action be taken against the student.

Step III V: APPEAL

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

~~If the student and parent or principal disagrees with~~ **can appeal** the decision of the DDC, **he/she may file a written request for appeal** to the ~~assistant superintendent or designee~~ **assistant superintendent or designee**. ~~If the student and parent or principal disagree with the decision of the DDC, the parent or principal must request review by the assistant superintendent within five (5)~~ **two (2)** working days after receiving the result of the DDC. ~~Assistant~~ 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 ~~assistant~~ superintendent **or designee** will not be obligated to review anything other than the record.

2. Report back to the ~~student and parent~~ **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 ~~assistant 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 VI: 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 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. 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.