



Book: AG for MI Local Update

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Title: Vol. 33, No. 1 - September 2018 Replacement EMERGENCY REMOVAL, SUSPENSION, AND EXPULSION OF STUDENTS

Number: ag5610

5610 - EMERGENCY REMOVAL, SUSPENSION, AND EXPULSION OF STUDENTS

The following factors will be considered prior to suspending or expelling a student for physically assaulting another student or an employee, volunteer or contractor at school; gross misdemeanor or persistent disobedience; criminal sexual conduct against another student enrolled in the District; possession of a weapon (other than a firearm) in a weapon free school zone; arson or criminal sexual conduct in a school building or on school grounds; pleading to, being convicted of or adjudicated of criminal sexual conduct against another student enrolled in the District; verbally assaulting (as defined in policy) an employee, volunteer or contractor at school; or making a bomb or similar threat directed at the school property or a school event:

the student's age

the student's disciplinary history

whether the student has a disability

the seriousness of the violation or behavior

whether the violation or behavior committed by the student threatened the safety of any student or staff member

whether restorative practices will be used to address the violation or behavior

whether a lesser intervention would properly address the violation or behavior

If the District determines that it will utilize restorative practices in addition to or as an alternative to suspension or expulsion of a student, it will engage in restorative practices which emphasize repairing the harm to the victim and school community caused by the student's misconduct.

[] Restorative practices may include victim-offender conferences that are initiated by the victim;

are approved by the victim's parent or legal guardian or, if the victim is at least fifteen (15), by the victim;

are attended voluntarily by the victim, a victim advocate, the offender, members of the school community, and supporters of the victim and the offender (the "restorative practices team");

would provide an opportunity for the offender to accept responsibility for the harm caused to those affected, and to participate in setting consequences to repair the harm, such as requiring the student to apologize; participate in community service, restoration of emotional or material losses, or counseling; pay restitution; or any combination of these.

The selected consequences and time limits for their completion will be incorporated into an agreement to be signed by all participants.

Restorative practices should be the first consideration to remediate offenses such as interpersonal conflicts, bullying, verbal and physical conflicts, theft, damage to property, class disruption and harassment and cyberbullying.

Emergency Removal

A student may be removed or excluded from a classroom or a school when s/he poses a continuing danger to persons or property or represents an on-going threat of disrupting the educational process taking place in the classroom or the school premises. Such removal must be for a period of less than twenty-four (24) hours without being subject to suspension and expulsion procedures.

If a member of the school faculty removes a student, under his/her supervision, from a classroom or activity, s/he must submit to the Principal written reasons for the removal the day the removal occurs.

A hearing must be held by the Principal in accordance with the suspension or expulsion requirements depending on the probable outcome of the hearing. The person who caused, ordered, or requested the removal should be present.

Written notice must be provided to the student and the parent as soon as practicable prior to the hearing. If the probable outcome of the hearing is suspension, the hearing procedures applicable to a suspension must be applied. If the probable outcome is expulsion of the student, the hearing procedures applicable to an expulsion must be followed.

Teacher Initiated Suspension

A teacher may suspend a student from class, subject, or activity for up to one (1) full school day for certain conduct as specified in the Code of Conduct. The teacher shall immediately send the student to the Principal and specify the reason for the suspension as specified in the Student Code of Conduct. As soon as possible after the suspension, the teacher shall schedule a parent-teacher conference regarding the suspension. If feasible, the () **counselor** () **psychologist** () **social worker** shall attend the conference. The Principal may attend upon request of the teacher or parent. The student shall not be returned to the class, subject, or activity that school day without the consent of both the teacher and the Principal.

Short-Term Suspension

The Principal may impose a suspension of up to ten (10) days duration, but shall attempt to notify the student's parents or guardians of the suspension by telephone, as well as send a written notification by e-mail or by regular mail. A copy of the notification shall also be sent home with the student, if practical. The written notice shall include the reasons for the suspension, the date(s) of the suspension and the rights to appeal, enclosing this policy with the suspension notice.

Preliminary Hearing

No student may be suspended without a hearing unless a clear and present danger exists, or it is otherwise impossible or unreasonably difficult to hold such hearing. In such instances, the necessary notice and hearing shall follow as soon as practicable.

The Principal shall provide the student with an oral or written notice of the charge(s) against him/her and shall provide a hearing for the student before a suspension is ordered so that the student has a full opportunity to state why s/he should not be suspended. This preliminary hearing shall be an informal one in which the student is given a chance to respond to the charges and present any witnesses. The student's parents may be informed of the charges and the preliminary hearing if the Principal so chooses. The hearing shall be held on the day of the alleged infraction or as soon thereafter as possible if an emergency prohibits an immediate hearing.

Sending a Student Home

Unless the student is an immediate threat to the safety of the school, s/he should remain in school until class is dismissed for the day. If the situation indicates that the student should be removed from the premises, the Principal shall attempt to reach the student's parents to request they pick up their child. If they are unable to do so, the student should remain _____ until school is dismissed.

The Principal may forego the previous provision in the event of mass violations of school rules or where it is not possible to keep the student(s) on school grounds and restore order or protect people on school property. In such an emergency situation, the Principal shall contact the Superintendent.

Responsibility for School Work

() For an in-school restriction, credit will be given for all classroom assignments that can be completed during the in-school restriction or as homework.

() No credit will be given for work missed as a result of suspension out-of-school.

() Credit () will be given for work missed due to outofschool suspension provided the student completes and submits all required assignments upon return to school. () will not be given for work missed due to out-of-school suspension.

Failures shall be given for any classroom work that cannot be attended such as laboratories or skill sessions.

Appeal

Suspension of more than one (1) school day but not more than ten (10) school days may be appealed in writing to the Principal within two (2) school days of the parents' receipt of the written suspension notice. The written appeal must contain the reason(s) that the suspension is being appealed.

The student shall be reinstated during the appeal process unless it is determined that the student's attendance would jeopardize the safety of the student or of others.

Upon review, the Principal may uphold the suspension, establish an alternative suspension of lesser severity, or reverse the suspension in its entirety. The review may include, but not be limited to, a meeting with the parents if, in the Principal's opinion, this is appropriate.

The Principal will reach the decision and inform the parents in writing within ten (10) school days after the receipt of the written request.

The decision of the Principal may be appealed in writing to the Superintendent within two (2) school days of the parents' receipt of the decision. The Superintendent will reach a decision and inform the parents in writing within ten (10) school days after the receipt of the written request.

The Superintendent's decision shall be considered final. The parents may appeal to the Board only in cases of alleged violation of due process (Policy 5611) by the Superintendent. In such cases, the appeal shall be made in writing to the Board President within two (2) school days after the parents' receipt of the decision and shall include a statement of the alleged violation of the policy. The Board shall notify the parents of its decision within ten (10) school days of receipt of the written request.

Long-Term Suspension and Expulsion

If, in the Principal's opinion or as required by statute, the alleged infraction warrants a long-term suspension or expulsion, s/he shall refer the case to the _____ and submit the following documentation.

- () the rule(s) alleged to have been violated
- () the charges against the student
- () approximate date of the violation
- () recommendation(s) for long-term suspension or expulsion
- () copy of suspension
- () chronology of disciplinary/corrective actions and witness statements

Upon request, the Principal shall also submit:

- () transcript of grades
- () attendance records
- () letter to parents
- () statements from professional staff regarding student's efforts, attitudes, or particular problems
- () statement from counselor regarding help to student, attempts at remediation or correction, etc.
- () memo requesting a Board hearing

The _____ shall review the documents for accuracy and completeness and schedule a hearing with the Board.

Notice of Hearing

The notice must be provided to the student and the student's parent and shall contain:

- () the rule(s) alleged to have been violated;

- () the charges against the student;
- () approximate date of the violation;
- () the time and place for the hearing;
- () a statement of the student's and parents' prehearing rights:
 - () to review written statements about the alleged misconduct,
 - () to review the student's records, and
 - () to request a delay in the hearing of up to _____ school days;
- () the length of time the administration is recommending the student be denied enrollment;
- () a statement of the student's hearing rights to:
 - () counsel;
 - () a translator;
 - () appear in his/her own behalf and for parents or guardians to appear;
 - () produce witnesses and present evidence on his/her behalf;
 - () confront and to cross-examine anyone who may have evidence against him/her;
- () a transcript of the hearing upon student's or parent's request, and Board/hearing officer approval.

Cost of transcript may be the responsibility of the student/parent.

The Board of Education (**Superintendent**) must conduct the hearing in compliance with the Open Meetings Act. The parents may appeal the expulsion to the Board, in writing, within ___ days after receipt of the notice. The parents shall state in the appeal the reasons they think the Superintendent's decision is not justified and provide any extenuating circumstances they wish the Board to consider. The Board may conduct a hearing or respond with its decision in writing within ___ days after it receives the appeal.

Notice of expulsion will be sent to the Juvenile Division of the Probate Court for students at ages six (6) through fifteen (15). The court should be informed that the Board has expelled the student and provided the reason for expulsion.

Notice may be sent to the Juvenile Division of the Probate Court for students, ages sixteen (16) and seventeen (17), where the District believes that the court should review the circumstances surrounding the expulsion. The District may provide a copy of the public record to the court.

Disabled Students

In accordance with Board Policy 5605, a student in Special Education must be referred to the I.E.P.C. and those disabled under 504 must be referred to the _____ to determine if the behavior is related to the disability. Its decision will determine the appropriate next steps.

Student's Record

A record of a student's suspension or expulsion

is to be made a part of his/her permanent record

may be made a part of his/her permanent record at the discretion of the Principal

until s/he leaves the school and released in accordance with AG 8330 - Student Records. Days of absence shall be noted in the student's permanent attendance record

as an unexcused absence because of suspension or expulsion.

as an authorized absence because of suspension or expulsion.

Waiver

It is the student's prerogative to waive his/her right to a formal hearing. This waiver is to be in writing and signed by both student and parents or guardian. The signatures should be witnessed. Additionally, the student can constructively waive the hearing by simply not availing himself/herself of the opportunity for it, but such waiver cannot be construed before the passage of a considerable period of time, since it operates to close off the student's rights.

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