

## **AR 5144.1 SUSPENSION AND EXPULSION**

### **Notice of Regulations**

At the beginning of each school year, the principal of each school shall notify all students and parents/guardians in writing of all school rules related to discipline, suspension and expulsion. Staff, students, and parent/guardian shall be notified about district policies and regulations. Transfer students and their parents/guardians shall be notified at the time of enrollment.

### **Grounds for Suspension and Expulsion**

A student may be suspended or expelled for the following causes:

1. Continued willful disobedience or open and persistent defiance of reasonable school authority;
2. Behavior which is in some way harmful to the welfare, safety or morals of other students;
3. Conviction of a felony which the Board determines will cause the attendance of the child to be in some way harmful to the welfare or education of other students.

(cf. 5112.2 - Exclusions from Attendance)

A student may be suspended or expelled for behavior occurring at any time, including but not limited to the following circumstances:

1. While on school grounds.
2. While going to or coming from school or a school-sponsored activity.
3. During the lunch period, whether on or off the school campus.

### **Authority to Suspend**

A Superintendent or Principal may suspend a student from school for any of the acts listed above under "Grounds for Suspension and Expulsion," for not more than 10 consecutive days.

Suspension may be imposed upon a first offense if the principal determines the student's behavior to be in some way harmful to the welfare, safety or morals of other students or the student's presence represents a danger to persons or property or threatens to disrupt the instructional process.

If the expulsion of a suspended student is being considered by the Board, the Superintendent or designee may, in writing, extend the suspension until such time as the Board has made a decision.

(cf. 5144.2 - Suspension and Expulsion/Due Process - Individuals with Exceptional Needs)

### **Short Term Suspension Procedures (10 days or less)**

1. Informal Conference
2. Suspension shall be preceded by an informal conference conducted by the Superintendent or principal, and shall include the student, and whenever practicable, the teacher, supervisor, or school employee who referred the student to the principal. At the conference, the student shall be informed of the reason for the disciplinary action and the evidence against him/her and shall be given the opportunity to explain his/her version and evidence in support of his/her defense.
3. If at the end of this discussion the Superintendent or principal believes the student is guilty of the misconduct charged, the student may be suspended for 10 days or less.
4. This conference may be omitted if the principal, designee or the Superintendent determines that an emergency situation exists. An "emergency situation" involves a clear and present danger to the lives, safety or health of students or school personnel. If the pre-suspension conference is not held, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of a conference. The conference shall be held within two school days, unless the student waives his/her right to it or is physically unable to attend for any reason. In such case, the conference will be held as soon as the student is physically able to return to school.
5. Administrative Actions
6. All requests for student suspension are to be processed by the principal of the school in which the student is enrolled at the time of the misbehavior.
7. A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee, who in turn will inform the Board.
8. Notice to Parents/Guardians

9. At the time of the suspension, a school employee shall make a reasonable effort to contact the student's parent/guardian by telephone or in person. Whenever a student is suspended, the parent/ guardian shall be notified in writing of the suspension.
10. This notice shall state the reasons for suspension and the date and time when the student may return to school and may request that the parent/guardian confer with school authorities regarding matters pertinent to the suspension.
11. No penalties may be imposed on the student for the failure or refusal of the parent/guardian to meet with school authorities. The student may not be denied readmission solely because the parent/ guardian failed to meet with school authorities.

### **Long-Term Suspension (more than 10 days)**

Where alleged misconduct of a student warrants a suspension of more than 10 days, the student will be provided the opportunity for a hearing as outlined under the expulsion procedure. The long-term suspension procedure does not preclude a student from being suspended for up to 10 days if procedures for short term suspension have been followed.

A student requesting a hearing regarding a long-term suspension will be readmitted in the program (at the end of a short term suspension if applicable) pending the outcome of the hearing except where the superintendent determines that the student's presence in school poses a threat of harm to the student or others.

### **Authority to Expel**

A student may be expelled only by the Board.

The Superintendent or principal shall recommend a student's expulsion for any of the following acts, unless the principal or Superintendent finds, and reports in writing to the Board, that expulsion is inappropriate due to particular circumstances which shall be set out in the report of the incident:

1. Causing serious physical injury to another person, except in self-defense.
2. Possession of any firearm, knife, explosive or other dangerous object at school or at a school activity off school grounds.
3. Unlawful sale or distribution of any controlled substance, under state or federal law.

4. Conviction of a felony which will cause the attendance of the student to be injurious to the welfare or education of other students.

(cf. 5144.2 - Suspension and Expulsion/Due Process (Individuals with Exceptional Needs))

## **Expulsion Procedures**

### Student's Right to Hearing

1. The student is entitled to a hearing to challenge the recommendation that the student should be expelled. The hearing shall be held within 30 school days after the principal or Superintendent, or designee determines that cause for expulsion exists.
2. If the Board finds it impracticable to comply with these time requirements for conducting an expulsion hearing, the Superintendent or designee may, for good cause, extend the time period by an additional five school days. Reasons for the extension shall be included as a part of the record when the expulsion hearing is held.
3. Once the hearing starts, all matters shall be pursued with reasonable diligence and concluded without unnecessary delay.

### **Written Notice of the Hearing**

Written notice of the hearing shall be forwarded to the student and the student's parent/guardian at least ten calendar days before the date of the hearing. The notice shall include:

1. The date and place of the hearing.
2. A statement of the specific facts and charges upon which the proposed expulsion is based.
3. A copy of district disciplinary rules which relate to the alleged violation.
4. The opportunity for the student or the student's parent/guardian to appear in person and/or to employ and be represented by counsel.
5. The right to inspect and obtain copies of all documents to be used at the hearing.
6. The opportunity to confront and question all witnesses who testify at the hearing.
7. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses.

## **Conduct of Hearing**

**Executive Session:** The Board shall conduct a hearing to consider the expulsion of the student in a session closed to the public unless the student requests in writing at least five days prior to the hearing that the hearing be a public meeting. If such request is made, the meeting shall be public.

**Record of Hearing:** A record of the hearing shall be made and may be maintained by any means, including electronic recording, so long as a reasonably accurate written and complete transcription of the proceedings can be made.

**Presentation of Evidence:** While technical rules of evidence do not apply to such hearings, evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. Findings of fact shall be based solely on the evidence at the hearing. While no evidence shall be based solely on hearsay, sworn declarations may be admitted as testimony from witnesses whose disclosure may subject them to an unreasonable risk of harm.

In cases where a search of a student's person or property has occurred, evidence describing the reason for conducting the search shall be included in the hearing record.

(cf. 5145.12 - Search and Seizure)

### **Alternative Hearing: Hearing Officer or Administrative Panel**

Instead of conducting an expulsion hearing itself, the Board may appoint a hearing officer, or an impartial administrative panel composed of three or more certificated personnel, none of whom shall be members of the Board or on the staff of the school in which the student is enrolled.

A hearing conducted by the hearing officer or administrative panel shall conform to the same procedures as apply to a hearing conducted by the Board.

The hearing officer or administrative panel shall, within three school days after the hearing, determine whether to recommend expulsion of the student to the Board. If expulsion is not recommended, the student shall be immediately reinstated.

If expulsion is recommended, findings of fact in support of the recommendation shall be prepared and submitted to the Board. All findings of fact and recommendations shall be based solely on the evidence presented at the hearing. The Board may accept the recommendation based either upon a review of the findings of fact and recommendations submitted or upon the results of any supplementary hearing the Board may order.

The hearing officer or administrative panel may recommend that the Board suspend the expulsion (see below).

### **Final Action by the Board**

Whether the expulsion hearing is conducted in closed or public session by the Board, a hearing officer, or an administrative panel, the final action to expel must be taken by the Board at a public meeting. The Board shall maintain a record of each expulsion, including its cause.

Upon ordering the expulsion, the Board may recommend a plan for the student's rehabilitation, which may include:

1. Periodic review and assessment at the time of application for readmission.
2. Recommendations for counseling, employment, community service and other rehabilitation programs.
3. Such other recommendations as the Board approves, such as enrollment in a drug rehabilitation program, if appropriate, before returning to school.

(cf. 6164.3 - Student Mental Health - Medication and Services)

### **Written Notice to Expel**

The Superintendent or designee shall send written notice of the decision to expel to the student or parent/guardian.

### **Readmission**

An expulsion order shall remain in effect until the Board may order the readmission of the student. Readmission procedures shall be as follows:

1. A written request for review of expulsion action and request for readmission shall be submitted by the parent/guardian to the Superintendent or designee.
2. The Superintendent or designee will hold a conference with the parent/guardian and the student.

3. At the conference the conditions for readmission will be reviewed. The Superintendent or designee shall verify that the conditions have been met. School regulations will be reviewed, and the student and parent/guardian will be asked to indicate in writing their willingness to comply with these regulations.
4. The Superintendent or designee will transmit the request for readmission to the Board, along with his/her recommendation.
5. The Superintendent or designee will notify the student or parent/guardian, by registered mail, of the Board's decision regarding readmission.

### **Suspension of Expulsion**

The Board, upon voting to expel a student, may suspend the enforcement of the expulsion order for not more than one calendar year and may, as a condition of the suspension of enforcement, assign the student to a school, class or program appropriate for the student's rehabilitation. When deciding whether to suspend an expulsion, the Board shall take into account the following criteria:

1. The student's previous behavior.
2. The seriousness of the misconduct.
3. The student's attitude toward the misconduct and his/her willingness to follow a rehabilitation program.
4. During this period the student shall be on probationary status.
5. The suspension of expulsion order may be revoked by the Board if the student commits any of the acts which would constitute grounds for suspension or expulsion or violates any of the district's rules and regulations governing student conduct.
6. When the suspension of expulsion order is revoked, a student may be expelled under the terms of the original expulsion order.
7. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a district school. Upon reinstatement, the Board may order the expungement of any or all records of the expulsion proceedings.
8. Suspension of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order.

9. The Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian.

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