

JDD **Suspension and Expulsion Procedures** (See IHEA, JBD, JCDBB) **JDD**

1 A student may be suspended or expelled, for reasons set forth in Kansas
2 law, by the following certified personnel: superintendent, principal or assistant
3 principal. Any student who is suspended or expelled shall receive a copy of the
4 current suspension and expulsion law and this policy. Expulsion hearings shall
5 be conducted by the superintendent or other certified employee, or committee of
6 certified employees of the school in which the student is enrolled, or a hearing
7 officer appointed by the board. The superintendent shall conduct expulsion
8 hearings for weapons possession. (See JCDBB)

9 Students identified under Section 504 of the Rehabilitation Act of 1973
10 or special education students with an Individual Education Plan (IEP) under the
11 terms of Individuals with a Disability Education Act (IDEA) may be subject to
12 other regulations when long-term suspension or expulsion is considered.

13 **Reasons for Suspension or Expulsion**

14 Students may be suspended or expelled for one or more of the following
15 reasons:

- 16 • Willful violation of any published, adopted student conduct rule;
- 17 • Conduct which substantially disrupts, impedes, or interferes with school
18 operation;
- 19 • Conduct which endangers the safety or substantially impinges on or invades
20 the rights of others;
- 21 • Conduct which could be considered a commission of a misdemeanor or a
22 felony;
- 23 • Disobedience of an order of a school authority if the disobedience results in
24 disorder, disruption or interference with school operation; and
- 25 • Possession of a weapon at school, on school property or at a school-
26 sponsored event. (See JCDBB)

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1 Short-term Suspension

2 Except in an emergency, a short-term suspension (not exceeding ten
3 school days) must be preceded by oral or written notice of the charges to the
4 student and an informal hearing. If a hearing is not held prior to the suspension,
5 an informal hearing shall be provided no later than 72 hours after imposition of
6 a short-term suspension.

7 Notification of any short-term suspension shall be provided to the
8 student's parent within 24 hours after the suspension has been imposed. Short-
9 term suspension hearings may be conducted by those persons designated in this
10 policy to suspend.

11 At the informal suspension hearing, the student shall have the right to be
12 present and notified of:

- 13 • The charges;
- 14 • The basis for the accusation; and
- 15 • The right to make statements in his/her defense.

16 **A short term suspension cannot be appealed.**

17 Long-Term Suspension or Expulsion

18 Before a student is subject to long-term suspension (not to exceed 90
19 school days) or expulsion (not to exceed 186 school days), a hearing shall be
20 conducted by a hearing officer who has authority to suspend or expel. The
21 superintendent/principal shall designate a hearing officer authorized by the
22 board. Formal hearings shall be conducted according to procedures outlined in
23 current Kansas law and:

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- 1 • The student and parents shall be given written notice of the time, date and
2 place of the hearing.
- 3 • The notice shall include copies of the suspension/expulsion law, and
4 appropriate board policies, regulations and handbooks.
- 5 • The hearing may be conducted by either a certified employee or committee of
6 certified employees authorized by the board, the chief administrative officer,
7 or other certified employee of the district in which student is enrolled, or by
8 an officer appointed by board.
- 9 • Expulsion hearings for weapons violations shall be conducted in compliance
10 with Kansas law by persons appointed by the board.
- 11 • Findings required by law shall be prepared by the person or committee
12 conducting the hearing.
- 13 • A record of the hearing shall be available to students and parents or
14 guardians according to Kansas law.
- 15 • Written notice of the result of the hearing shall be given to the student and to
16 parents within 24 hours after determination of such result.

17 Rules Which Apply in all Cases When a Student May be Suspended or
18 Expelled

- 19 • Refusal or failure of the student and/or the student's parents to attend the
20 hearing shall result in a waiver of the student's opportunity for the hearing.
- 21 • A student suspended for more than ten school days or expelled from school
22 shall be provided with information concerning services to improve the
23 student's attitude and behavior.
- 24 • A student who has been suspended or expelled shall be notified of the day the
25 student can return to school.
- 26 • If the suspension or expulsion is not related to a weapons violation, the
27 principal may establish appropriate requirements relating to the student's
28 future behavior at school and may place the student on probation. (See JDC)
- 29 • If the expulsion is related to a weapons violation the superintendent may
30 establish appropriate requirements relating to the student's future behavior at
31 school and may place the student on probation. (See EBC, JCDBB and JDC)
- 32 • The days a student is suspended or expelled are not subject to the compulsory
33 attendance law.

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34 During the time a student is suspended or expelled from school, the
35 student may not:

1 • Be on school property or in any school building without the permission of the
2 principal.

3 • Attend any school activity as a spectator, participant or observer.

4 Students who are suspended for more than ten days or expelled from
5 school may appeal to the board within ten calendar days of receiving written
6 notice of the hearing results.

7 When a suspension is imposed during the school day, the student shall
8 not be removed from school until a parent has been notified. If a parent cannot
9 be notified during regular school hours, the student shall either remain at school
10 or be in the custody of proper authorities until the regular dismissal time.

11 Student Rights During a Long-Term Suspension/Expulsion Hearing

12 The student shall have the right:

- 13 • to counsel of his/her own choice;
- 14 • to have a parent or guardian present;
- 15 • to hear or read a full report of testimony of witnesses;
- 16 • to confront and cross-examine witnesses who appear in person at the hearing;
- 17 • to present his or her own witnesses;
- 18 • to testify in his or her own behalf and to give reasons for his or her conduct;
- 19 • to an orderly hearing; and
- 20 • to a fair and impartial decision based on substantial evidence.

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21 Appeal to the Board

22 The following conditions shall apply if a student age 18 or older or the
23 student's parent or guardian files a written appeal of a **long term** suspension or
24 expulsion:

- 1 • Written notice of the appeal shall be filed with the clerk of the board within
2 ten calendar days of the notice of receipt of the findings of the initial
3 hearing.
- 4 • The board will schedule an appeal hearing with the board or with one or more
5 hearing officer(s) appointed by the board within twenty calendar days.
- 6 • The student and the student's parent shall be notified in writing of the time
7 and place of the appeal at least ten calendar days before the hearing.
- 8 • The hearing will be conducted as a formal hearing using the same rules
9 described earlier for expulsion hearings.
- 10 • The board will record the hearing.
- 11
- 12 • If the appeal is scheduled with the board, the board shall render a final
13 decision not later than five calendar days after the conclusion of the appeal
14 hearing.
- 15 • If the appeal is scheduled with one or more hearing officers appointed by the
16 board, the board shall render its decision after receiving the written report of
17 the appointed hearing officer(s), but not later than the next regularly
18 scheduled meeting of the board following the date of the conclusion of the
19 hearing of the appeal by the hearing officer(s).

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