

**SUSPENSION, EXPULSION AND ALTERNATIVE
EDUCATION ASSIGNMENT OF STUDENTS**

**Admin Reg. SS-39
~~September, 2016~~September, 2015**

- I. Purpose.** To establish the procedure to be followed by school administrators when suspending a student out of school, expelling a student or assigning a student to an alternative education assignment. It is BCSD policy to provide due process of law to students, parents/legal guardians and school personnel through procedures for the suspension of students pursuant to the requirements of federal law, state law and regulations and BCSD administrative rules.

- II. Introduction.** A safe and orderly environment is necessary in order to support student learning in schools. The Board may authorize or order the expulsion, suspension, or transfer of any student for committing any crime, gross immorality, gross misbehavior, persistent disobedience, or for violation or written rules and regulations established by the Board or State Board of Education. The Board may also authorize or order the expulsion, suspension, or transfer of any student when the presence of the student is detrimental to the best interest of his/her school.

- III. Student Behavior Interventions.** Where appropriate, school administrators are to review and implement behavior modification procedures and review response to intervention (RtI) data in an effort to avoid suspending students out of school and to address repeat misbehaviors.

- IV. Short-Term Suspensions (Fewer than Ten (10) School Days).**
 - A. The Superintendent delegates the power to suspend a student up to ten (10) school days for a single offense, consistent with Administrative Regulation SS-18, Code of Student Conduct, to school principals and their designee(s). A school principal or assistant principal may suspend a student for the commission of any crime, gross immorality, gross misbehavior, persistent disobedience or the violation of BCSD or state board of education policies, rules or regulations. A school principal or assistant principal may also suspend a student when the presence of the student is detrimental to the best interest of the district or one of its schools. A student may not be suspended from school for more than thirty (30) days in one school year.

 - B. During an out-of school suspension, a suspended student may not attend school or be on BCSD or school property, may not attend any school-related events or activities, whether on or off campus, and may not ride a school bus.

 - C. Upon determining a student shall be suspended for violation of Administrative Regulation SS-18, Code of Student Conduct, the suspending principal or assistant principal shall notify the student's parent/legal guardian in writing, of the reasons for such suspension and of a time and place when the suspending principal or assistant principal is available for a conference. The conference must be scheduled within three (3) days of the date of the suspension. After the conference, the parents/legal guardian may appeal a recommendation for expulsion to the superintendent or his/her designee.

If, after conference with the suspending administrator, if not the Principal, the parent/legal guardian believes the student's suspension was unjustified, an appeal of the suspension may be made to the Principal. To request a suspension appeal, the parent/legal guardian must contact the Principal within three (3) days after the conference with the school administrator, advising the Principal why it is believed the suspension was unfair, unwarranted or not allowed by Administrative Regulation SS-18, Code of Student Conduct. The appeal will be conducted as an informal hearing before the Principal. The suspending administrator, parent/legal guardian and student may be present. If the Principal and the parent/legal guardian agree, the student may be dismissed during portions of the hearing. The parent/legal guardian, student and administrator will be allowed to address the Principal. Within three (3) school days of the suspension appeal, the Principal shall render a decision as to whether the suspension was upheld. The decision will be provided in writing to the parent/legal guardian. If the Principal decides the suspension was unfair, unwarranted or not allowed by Administrative Regulation SS-18, Code of Student Conduct, all absences resulting from the suspension shall be excused and the record cleared. The student will be allowed to make up all missed work. The decision of the Principal ends the appeals process for short term suspensions.

- D. The only short-term suspensions the Chief Student Services Officer ("CSSO") will review are suspensions occurring within the last ten (10) school days of the school year, if the suspension will make a student ineligible to receive credit for the school year, unless the presence of the student constitutes an actual threat to a class or school or unless a hearing by the district hearing officer is granted within 24 hours of the suspension.
- E. A student subject to short-term suspension shall be provided the following:
 - 1. The opportunity to take textbooks and other materials home for the duration of the suspension;
 - 2. Upon request, the right to receive all missed assignments, and to the extent practicable, the materials distributed to students in connection with the assignment; and
 - 3. The opportunity to take any quarterly, semester, or grading period examinations missed during the suspension period.

V. Expulsion.

- A. In the event an administrator decides to recommend a student be expelled from the BCSD, the parent(s) of the student shall be notified in writing of the time and the place of a hearing either before the board's designated hearing officer or hearing panel. At the hearing the parents or legal guardian shall have the right to legal counsel and to question all witnesses appearing. The hearing shall take place within ten (10) school days of the written notification at a time and place designated by the BCSDboard and

a decision shall be rendered within five (5) school days of the hearing. The student will be suspended from school and all school activities during the time of the expulsion procedures.

- B. In the event the ~~BCSD Board's designated~~ hearing officer ~~or hearing panel~~ upholds the administrator's recommendation for expulsion, the student may appeal the decision to ~~the Superintendent's designee~~ ~~the Chief Student Services Officer ("CSSO")~~, who shall review the whole record in the matter without an additional hearing. In the event the ~~Superintendent's designee~~ ~~CSSO~~ upholds the decision of the hearing ~~panel~~/officer to expel the student, the student may appeal the decision to the Board. In such event, the hearing shall take place within fifteen (15) school days of the written notification at a time and place designated by the Board. A decision shall be rendered within ten (10) business days of the hearing.
- C. During the expulsion and all expulsion hearing procedures, the student is not entitled to be present on any BCSD property or any BCSD school bus and is not considered a student of the BCSD.
- D. A student with disabilities may be expelled only if the student's IEP team determines the student's misconduct was not caused by or related to the student's disability as required by state and federal law. If a student with a disability is lawfully expelled, the school system shall continue to provide the student a FAPE, in a home-based or alternative school or program setting as required by state and federal regulations.

VI. Alternative School Assignment.

- A. The Board and Superintendent ~~shall designate one (1) or more district administrators~~ ~~designate the CSSO~~ and, where necessary, the student discipline hearing ~~officer~~ ~~panel~~, to review school administrator recommendations a student be assigned to an alternative school.
- B. As alternative to suspension and expulsion, an administrator may recommend to the ~~designated district administrator(s)~~ ~~CSSO~~ that a student receive a disciplinary assignment to Right Choices, the BCSD alternative program for middle school and high school students, for at least ninety (90) school days. If the offense leading to the recommendation occurs before the final quarter of the school year, the assignment shall be no longer than the remainder of the school year. If the offense leading to the recommendation occurs during the final quarter of the school year, the assignment may be for the remainder of the school year and the first academic quarter of the following school year.

C. Before approving the recommendation, the designated district administrator(s)~~CSSO~~ should ensure BCSD disciplinary policies have been followed and consider whether other non-disciplinary interventions have been properly and effectively utilized by the school and/or would be successful in improving the student's behavior.

D. In the event the designated district administrator(s)~~CSSO~~ uphold(s) the school administrator's recommendation for assignment to alternative school, the student may appeal the decision to the BCSD student discipline review-hearing officer~~panel~~. The decision of the hearing officer~~panel~~ shall be final.

E. In the event the designated district administrator upholds the school administrator's recommendation for assignment to alternative school, the student and his/her parent/legal guardian may begin the alternative school intake process during the term of the student's suspension.

E.F. If a teacher is assaulted or injured by a student and as a result the student is expelled or reassigned to alternative education services, the student shall not be returned to that teacher's classroom unless the teacher consents.

VII. Year-Long Expulsion for Firearm Possession.

A. Pursuant to BCSD Administrative Regulation SS-26, Weapons in School, and Section IV.E. of BCSD Administrative Regulation SS-18, Code of Student Conduct, ~~at the~~ BCSD administrator must recommend-expel for no less than one year a student who is determined to have brought a firearm to a school or any setting under the jurisdiction of the Board be expelled for no less than one (1) calendar year.

B. The hearing procedures for a one (1) calendar year-long expulsion for possession of a firearm shall be as set forth in Section V, hereinabove.

C. The Superintendent or his/her designee may modify the one (1) calendar year expulsion on a case-by-case basis.

D. Students expelled pursuant to this section are not precluded from receiving educational services in an alternative setting.

VIII. Investigation of Misbehavior. If it appears a student may have engaged in misbehavior in violation of Administrative Regulation SS-18, Code of Student Conduct, a school principal or assistant principal will investigate the matter and question those persons who may have knowledge about what occurred. The student will be advised, verbally or in writing, of the accusations against him/her. The school principal or assistant principal also will advise the student of the evidence against him/her and provide the student with an opportunity to tell

his/her side of the story. If the student asks the administrator to speak to other witnesses, the administrator will do so, if possible. After completing the investigation, the school principal or assistant principal will determine whether the student violated Administrative Regulation SS-18, Code of Student Conduct, and determine the appropriate sanction.

IX. Summary Suspension.

- A. If a school principal or assistant principal witnesses or is advised of any student misbehavior and concludes the student should be removed from school immediately in order to restore order or protect others at the school, the school principal or assistant principal may summarily suspend the student for up to two (2) school days. In these cases, the school principal or assistant principal does not have to investigate the matter first. By the end of the next school day following the summary suspension, however, the school principal or assistant principal should investigate the matter as outlined above and determine what, if any, additional consequence should be implemented and/or recommended in accordance with Administrative Regulation SS-18, Code of Student Conduct.
- B. If the school principal or assistant principal determines the student should not have been suspended, arrangements will be made for the student to make up any work he/she missed while on summary suspension. The suspension shall be removed from the student's record.

X. Notification to Parent/Legal Guardian.

- A. By the end of the school day of the suspension, the school principal or assistant principal administering the suspension shall notify the parent/legal guardian in writing of the following:
 - 1. the act(s) committed by the student;
 - 2. the rule(s) violated;
 - 3. the length of the suspension; and
 - 4. the time and place when he/she will be available to meet with the parent/legal guardian for a conference.
- B. The conference shall be set within three (3) school days of the date of the suspension. If the parent/ legal guardian are unable to meet at the scheduled time and upon request, the suspending principal or assistant principal will establish a mutually agreeable time for the conference.

XI. Sending a Suspended Student Home During the School Day.

- A. When a student is suspended, the suspending principal or assistant principal will attempt to contact the parent/legal guardian to request he/she pick up the student from school. If a parent/legal guardian refuses or is unable to pick up the student, the school may take the student home as long as a parent/legal guardian is at home to take charge

of the student. If the suspending principal or assistant principal cannot reach the parent/legal guardian, the student must stay at school until the end of the school day.

- B. If the student is summarily suspended, he/she may be removed from the school grounds immediately. Depending upon his/her age, however, it may be necessary to keep him/her at school until the parent/legal guardian can be reached.

XII. Student Suspension(s) from School Activities.

- A. A student who is suspended from school shall not practice, play, dress out, travel or attend any meeting during his/her suspension. If the suspension includes the last day of school before a vacation or weekend, the student becomes eligible on the date he/she returns to school.
- B. A student who is absent from school will not be allowed to practice, play, dress out, travel or attend any meeting of the team or group on the day of the absence. Exceptions such as funerals, field trips and college visitations must be approved by the principal in advance.

XIII. Missed School Work. It is the responsibility of students returning from suspension to request any make-up work immediately following their suspension. Students must complete all make-up work in the same number of days missed due to suspension. If students opt not to request and make-up work missed, zero credit will be given.

XIV. Controlled Substance Abuse. When a suspension case involves controlled substance abuse, the student will, in addition to his/her suspension, be referred to an appropriate community agency for assessment and, if necessary, treatment. The student will be required to successfully complete any recommendations of the agency in addition to discipline imposed.

NOTE: The June, 2015, revisions incorporate former Administrative Regulation SS-40, Expulsion of Students.

Adopted: July 18, 2001

Revised: July, 2010; April, 2013; September, 2015; September, 2016

Legal references:

- A. S. C. Code, 1976, as amended:
 - 1. Section 59-19-90(3) - Gives district trustees authority to prescribe rules of student conduct, including provisions for suspension or dismissal of those failing to comply with such rules.
 - 2. Section 59-63-210, et seq. - Grounds for suspension, expulsion or transfer.
 - 3. Section 59-63-240 - Expulsion hearings - times, procedures, legal rights appeals.