FFK-BR - SUSPENSION AND EXPULSION REGULATIONS

Suspension

Suspension involves either in-school suspension or the dismissal of a student from school classes, buildings, and grounds. Suspension shall not be for more than the maximum duration allowed by law. The parent(s) of the student are to be notified promptly by the school principal that suspension has been issued.

The authority to initially determine whether or not a student shall be suspended rests with the principal**,** Assistant Superintendent, or Superintendent and can be exercised AFTER the student is given:

1. Oral or written notice of the charges against him/her.

2. An explanation of the evidence against him/her.

3. An opportunity to present their side of the story.

There need be no delay between the time notice is given and the conduct of the above procedure. In those cases where a student's presence poses a continuing danger to persons or property or any ongoing threat of disrupting the educational process, the student may be immediately removed.

In emergency situations that are a result of risk to health and safety, the district may postpone the suspension notice process above until the emergency condition has passed.

Expulsion

Expulsion shall not be for more than the maximum duration permitted by law and the District shall follow the procedure for conducting an expulsion hearing contained in state law and administrative regulations. If the student involved has a disability, see the administrative regulation on suspension and expulsion of students with disabilities.

The responsibility of the school may not end with expulsion. The guidance department may notify other appropriate agencies when a student has been expelled.

Expulsion Pre-Hearing Notice to Student

The student and the student's parent shall be provided with the following notices, prior to the expulsion hearing outlined below:

1. **Notice of Charges**: The specific charges against the student shall be stated clearly enough for the student and the parent to understand the grounds of the charge and to be able to prepare a defense.

2. **Notice of Hearing**: The date of a hearing, which shall be within a reasonable time not to exceed ten school days, if the student is currently under suspension, unless a postponement is requested or agreed to by the parent.

3. **Presenting Evidence**: A student may present witnesses or documentary evidence to rebut the charges against the student.

4. **Notice of Right to Adult Representation**: The right to be represented and/or assisted at the hearing by a lawyer or other adult at the student's expense shall be explained. A parent or guardian who is unable to attend the hearing may provide written designation of another adult to assist the student in the parent's absence.

Conducting Hearings for Expulsion

1. **Nature of the Hearing**: The hearing is not a court proceeding and should not be referred to or conducted as such. There are no specific rules of evidence or procedure that must be followed. The intent of the hearing is to determine whether the reasons offered for the proposed expulsion are supported by the evidence. The evidence offered at the hearing should be directed toward attaining the truth and shall include an opportunity for the presentation of evidence as to the existence of mitigating circumstances.
2. **The Hearing Officer**: The student is entitled to an impartial hearer of facts. If the school board has designated a hearing officer, the hearing officer may conduct the hearing unless they are biased or prejudiced against the student or was directly involved with the incident at issue. If the hearing officer is not qualified under this rule, another hearing officer should be called upon to conduct the hearing.
3. **Representation of the Student**: There is no requirement that the student must have representation at the hearing; however, if the student or their parent(s) request that they be represented by an attorney at the student's expense, the request must be granted. The school may choose to involve the parents in the disciplinary proceedings from the outset.
4. **A Recording of the Hearing**: A record of the hearing should be made to substantiate that the required elements of procedural due process were afforded the student. This can be accomplished by several methods. The preferred method of recording is tape recording or court reporter transcription of the entire proceeding. All evidence that is introduced in the form of written documents should be marked so as to identify the origin and order of introduction (e.g., School Exhibit 1, 2, 3, and Student Exhibit 1, 2, 3). All records of a hearing should be kept at least six years after the expelled student reaches the age of 18 years.
5. **Open or Closed Hearing**: Since an expulsion hearing before a designated hearing officer or the school board is subject to the Family Rights and Privacy Act (FERPA), the hearing shall be closed unless the parent/eligible student waives their rights under FERPA in writing.
6. **Witnesses in the Room**: At the request of the school representative or the student or their parents, witnesses may be excluded from the room except when offering testimony. The hearing officer should make this option known at the beginning of the hearing, before any evidence is presented. At no time may the student or their parent or representative be excluded from the room.
7. **Cross-Examination**: The hearing officer should permit cross-examination if any circumstances indicate that it is necessary in order to reach the truth or to otherwise conduct a hearing, which is fundamentally fair.

8. **Sworn Witnesses**: Witnesses should be given an oath or affirmation before offering testimony.

9. **Evidence**: If, at the conclusion of the hearing, the reasons given for the proposed expulsion are supported by the evidence offered at the hearing, the student may be expelled. The action of the student does not have to be proven beyond a reasonable doubt as in a criminal trial, but the action must be supported by the evidence. There must be evidence presented upon which the hearing officer can conclude that the student engaged in conduct supporting expulsion. In determining whether there is evidence to support an expulsion, the hearing officer may take into consideration only that evidence presented at the hearing.

10. **Making the Decision and Giving Notice to the Parties**: After the hearing, the hearing officer decides whether to expel a student. The hearing officer has the responsibility of promptly informing the student, his or her parents, the student's counsel, or his or her representative in writing of the decision. The decision must be specific enough so that a reasonable person can be advised of the findings and basis for the decision to expel. The decision should also contain information on how to appeal to the Board, if the Board did not serve as the hearing officer.

11. **Appeal to School Board**: Except when the Board served as the hearing officer, an appeal of the hearing officer's decision may be made to the Board based upon a review of the record of the expulsion hearing. This decision should be reviewed at the next regular meeting of the Board, except when good cause is shown for calling a special meeting for that purpose. Since the expulsion will affect or become a part of the student's educational record, the appeal hearing before the Board will be in executive session unless the parent/guardian signs a written waiver of their rights under the Family Educational Rights and Privacy Act.

For expulsion procedures, see the administrative regulation on guidelines for hearings.

End of Hope-Page Board Regulation FFK-BR..... Adopted:

10/2023