

FFK: Suspension and Expulsion

Definitions

For the purposes of this policy:

- *Dangerous* weapon means, as defined in 18 U.S.C. 930(g)(2), a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except that such term does not include a pocket knife with a blade or less than 2 ½ inches in length.
- *Expulsion* means the exclusion of a student, including one enrolled in an alternative education program, from school for insubordination, habitual indolence, or disorderly conduct provided the expulsion does not last beyond the termination of the current school year. A student who violates the district's weapons policy may be expelled for up to twelve months. A procedural due process hearing must be provided to the student in accordance with law and district regulation before the determination to expel a student is made.
- *Firearm* means, as defined in 18 U.S.C. 921, (1) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (2) the frame or receiver of any such weapon; (3) any firearm muffler or firearm silencer, or (4) any destructive device. The term does not include an antique firearm.
- *School property* is defined as all land within the perimeter of the school site and all school buildings, structures, facilities, and school vehicles, whether owned or leased by the District, and the site of any school-sponsored activity.
- *Suspension* includes in-school suspension from classes as well as out-of-school exclusion from school classes, buildings, grounds, and activities.

Suspension/Expulsion Authority

The Board hereby delegates to the Superintendent and each principal the authority to deal with disciplinary problems in his/her school, including suspension and recommendation for expulsion of a student. Suspension shall not be imposed beyond the maximum duration permitted by law.

The Board designates the Superintendent to serve as the hearing officer for expulsion hearings except as delineated below unless not qualified to serve as defined in board regulations. In such cases, the Board shall appoint an alternative hearing officer. The hearing officer may expel a student for conduct that violates this policy after providing notice and a hearing as set forth in board regulations. When the hearing officer is someone other than the Divide County School Board, the student may seek a review of the hearing officer's expulsion decision by the Board based on the record of the hearing.

Expulsion shall not be imposed beyond the maximum duration permitted by law.

Conduct Subject to Suspension/Expulsion

Conduct, including but not limited to the following, exhibited while on school grounds, during a school-sponsored activity, or during a school-related activity is subject to suspension or expulsion:

1. Causing or attempting to cause damage to school property or stealing or attempting to steal school property of value;
2. Causing or attempting to cause damage to private property or stealing or attempting to steal private property;
3. Causing or attempting to cause physical injury to another person except in self-defense;
4. Possessing or transmitting any firearms, knives, explosives, or other dangerous objects or weapons;
5. Possessing, using, transmitting, or being under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, or intoxicant of any kind;
6. Disobedience or defiance of proper authority;
7. Behavior that is detrimental to the welfare, safety, or morals of other students;
8. Truancy;
9. Offensive and vulgar language, whether or not it is obscene, defamatory, or inciteful to violence, where it is disruptive of the educational process;
10. Threats of violence, bomb threats, or threats of injury to individuals or property;
11. Any student behavior that is detrimental or disruptive to the educational process, as determined by the principal.

Copies of these rules shall be posted in a prominent place in each school and shall be published in student handbooks.

Suspension or Expulsion of Students with Disabilities

The District shall comply with the provisions of the Individuals with Disabilities Act when suspending or expelling a special education student. The District shall not expel any student with a disability when the student's particular act of gross disobedience or misconduct is a manifestation of the student's disability. Education services must continue for IDEA eligible students who are expelled.

The District is not required to refer a regular education student who has been suspended or expelled for violation of school rules and/or district policy for special education assessment and evaluation to determine if such a student might have a disability. A suspended regular education student is not entitled to the reinstatement of school privileges pending any assessment and evaluation that is to be made during the term of the student's suspension.