

Suspension and Expulsion

Definitions

This policy defines the following:

- *Dangerous weapon* means, as defined in 18 USC 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 pocketknife with a blade of 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, disorderly conduct, a sexual offense as identified under NDCC Ch. 12.1-20 and NDSBA template policy ACCB, Protection for Student Victims of Sexual Offenses, or any other policy violation or state law violation giving rise to expulsion consideration for up to twelve months. A student who violates the district's weapons policy must be expelled for at least one year, but the Superintendent may modify the expulsion on a case-by-case basis based on criteria in policy FFK-AR, Suspension and Expulsion Regulations. 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 USC 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.
- *Sexual offense* means an offense under NDCC Ch. 12.1-20 for which "sexual act" or "sexual contact" is an element as defined under the chapter, including sexual imposition and gross sexual imposition, sexual abuse of a child, sexual abuse of wards, sexual act in public, sexual assault and any other acts with the requisite elements; and offenses including corruption or solicitation of minors; luring minors by computer or other electronic means; indecent exposure; surreptitious intrusion; and sexual extortion.
- *School property* is defined in NDCC § 15.1-19-10(6)(c) as all land within the perimeter of the school site and all school buildings, structures, facilities, and school vehicles, whether owned or leased by a school district, and the site of any school-sponsored event or activity.
- *Suspension* includes in-school suspension from classes and out-of-school exclusion from classes, school property, and activities.

Suspension/Expulsion Authority

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

When determining the duration of the expulsion, the District shall consider the severity of the infraction, the student's age, and the student's disciplinary history. If the student satisfies the conditions for reinstatement established by the District, if any, the District may review and reduce the duration of the expulsion. Expulsion shall not be imposed beyond the maximum duration permitted by law.

Information regarding the conduct subject to suspension or expulsion must be posted in a prominent place in each school and must be published in student handbooks.

Complementary Documents

- FGDB, Student Handbooks
- FFD, Possessing Weapons
- FFK-AR, Suspension and Expulsion Regulations
- FFK-E1, Suggested Procedure for Conducting an Expulsion Hearing
- FFK-E2, Suspension and Expulsion of Special Education Students

Legal References

- 18 USC 930, Possession of Firearms and Dangerous Weapons in Federal Facilities
- 18 USC 921, 1968 Gun Control Act
- 20 USC § 1232g, Family Educational Rights and Privacy Act
- 20 USC § 1400 et seq, Individuals with Disabilities Education Act
- 20 USC § 1681 et seq., Title IX of the Civil Rights Act of 1964
- Honig v. Doe, 484 U.S. 305 (1988)
- NDCC Ch. 12.1-20, Sexual Offenses
- NDCC §15.1-19, Students and Safety

End of Bismarck Public School District Policy FFK

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