

STUDENT DISCIPLINE:
SUSPENSION AND REMOVAL TO
ALTERNATIVE EDUCATION PROGRAM

FOA
(REGULATION)

CONSIDERATION OF OTHER DISCIPLINE MANAGEMENT TECHNIQUES BEFORE SUSPENSION	Before suspending a student, the principal or his designee shall consider reasonable alternatives, including appropriate discipline management techniques, which may include removal to an alternative education program. If the principal or his designee determines a suspension is the most appropriate alternative, no other disciplinary action need precede the suspension.
INFORMAL CONFERENCE	Before suspending or removing a student to an alternative education program, the principal or his designee shall conduct an informal conference with the student at which: <ol style="list-style-type: none">1. The student is advised of the conduct with which he or she is charged.2. The student is given an opportunity to explain his or her version of the incident.
NOTICE TO PARENTS	A student's parent shall be notified by telephone or other appropriate means as soon as reasonably possible of a suspension or removal to an alternative education program. The parents of students who have been suspended shall be advised that it is their responsibility to provide adequate supervision for the student during the period of suspension.
PARENT CONFERENCE	When the principal or his designee suspends or removes a student to an alternative education program for three or more consecutive days or five or more cumulative days in a semester, he or she shall encourage the student's parent to attend a conference to discuss the disciplinary action and/or the student's misbehavior.
TERM OF SUSPENSION OR REMOVAL	<p>The principal or his designee shall determine the suspension term, which may be from one to six school days, however, no student shall be suspended for more than six days in a semester. Suspension for more than six days in a semester would be classified as an expulsion.</p> <p>Removal to an alternative education program shall not extend beyond the end of the semester in which the conduct that directly led to the removal occurred. However, if the conduct occurred during the last grading period of a semester, the removal may extend to the end of the next semester.</p>
APPEAL OF SUSPENSION	The principal or his designee's decision to suspend a student in accordance with this policy may be appealed only if the suspension is for more than three consecutive days or the suspension will result in more than three days accumulated suspension for the semester.

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To appeal a suspension of more than three consecutive days or which would result in more than three days accumulated suspension for the semester, the parent must request a hearing to appeal the decision to the Assistant Superintendent for Secondary Operations. The request shall be in writing and made within two days after notice of the suspension. The Assistant Superintendent for Secondary Operations shall provide the parent written notice of the date, time and place of hearing within three school days of the receipt of the hearing request. The Assistant Superintendent for Secondary Operations shall provide the parent written notice of the date, time, and place of hearing within three school days of the receipt of the hearing request. The Assistant Superintendent for Secondary Operations shall set the hearing within five school days of receipt of the request. The hearing shall be before a hearing officer designated by the Assistant Superintendent for Secondary Operations.

The appeal shall provide the parent an opportunity for a due process hearing which shall include the following:

1. Prior notice of the charges and proposed sanctions so as to afford a reasonable opportunity for preparation.
2. Right to a full and fair hearing.
3. Right to an adult representative or legal counsel.
4. Opportunity to testify and present evidence and witnesses in his or her defense.
5. Opportunity to examine the evidence presented by the school administration and question the administration's witnesses.

The principal or his designee shall represent the administration at this hearing. In circumstances where the student or parent is represented by legal counsel, it may be appropriate for the administration to retain legal counsel to aid it in this representation.

The decision of the hearing officer shall be based exclusively on the evidence presented at the hearing. The final decision of the hearing officer shall be communicated promptly to the parent in writing. The student shall remain on the home campus until the decision of the hearing officer is reached. The decision of the hearing officer is final and non-appealable.

SANCTIONS AGAINST
SUSPENDED
STUDENTS

Suspended students are prohibited from being on school grounds or attending school-related extra-curricular activities during the period of suspension, except by special permission granted by the principal of his designee.

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APPEAL OF REMOVAL
TO ALTERNATIVE
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The decision of the principal or his designee to remove a student to an alternative education program may be appealed. The student may be placed in the alternative education program pending said appeal.

Handicapped students may not be removed for more than ten consecutive school days without ARD committee action, pending appeal to the Board. During an appeal to a special education hearing officer, the student shall remain in his current classes, unless the District and parents agree otherwise or the officer grants an interim order to authorize the removal.

To appeal placement in an alternative education program, the parent must request a hearing to appeal the decision to the Assistant Superintendent for Secondary Operations. The request shall be in writing and made within two school days after notice of placement. The Assistant Superintendent for Secondary Operations shall provide the parent written notice of the date, time, and place of the hearing request. The Assistant Superintendent for Secondary Operations shall set the hearing within ten (10) school days of receipt of the request. The hearing shall be before a hearing officer designated by the Assistant Superintendent for Secondary Operations.

The appeal shall provide the parent an opportunity for a due process hearing which shall include the following:

1. Prior notice of the charges and proposed sanctions so as to afford a reasonable opportunity for preparation.
2. Right to a full and fair hearing.
3. Right to an adult representative or legal counsel.
4. Opportunity to testify and present evidence and witnesses in his or her defense.
5. Opportunity to examine the evidence presented by the school administration and question the administration's witnesses.

The decision of the appointed hearing officer shall be based exclusively on evidence presented at the hearing. The final decision shall be communicated promptly to the parent in writing.

A decision of the hearing officer to place the student in an alternative education program may be appealed to the Board. Request for a Board hearing to appeal such decision shall be made in writing to the Superintendent within three (3) school days after receipt of the written decision from the hearing officer. The Superintendent shall provide the parent written notice of the date, time, and

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place of the Board hearing within five (5) days of receipt of the appeal request. The appeal before the Board shall be based on the evidence and record developed at the prior hearing, and no new evidence shall be received by the Board. Each side shall be entitled to make oral statements to the Board within reasonable time restrictions established by the Board. The Board's decision shall be final and non-appealable.

HANDICAPPED
STUDENTS

Handicapped students may be suspended for a period not to exceed six (6) school days in a semester or removed to an alternative education program for less than ten (10) consecutive days if a qualified group of professionals first determines that the behavior was not related to the handicapping condition or an inappropriate placement. The qualified group of professionals must consist of at least the following members.

1. A special education teacher who is familiar with the student and the student's IEP and is reasonable available.
2. A special education support person (all reasonable efforts shall be made to ensure that the person chosen is qualified to interpret assessment data regarding the behavior-handicap-placement link in the case of the individual student being considered).
3. The designated building administrator.

If the qualified group of professionals determines there is a connection, the ARD committee shall review the decision and determine what action is appropriate.

Removals for more than ten (10) consecutive days require ARD committee action. Removals to alternative education in accordance with the student's IEP are not subject to these procedures. If a handicapped student is removed from school premises for any reason for a total of 16 days or more in the school year, the ARD committee shall review the student's IEP, unless the student's IEP specifies otherwise.

EMPLOYEES
NECESSARY AT
HEARING

Employees absent from their assigned duties because of such hearings must have the approval of the administration. If an appeal hearing is scheduled during the regular work day, all participants in the investigation and processing of the appeal, including witnesses, shall be released from regular duties and shall suffer no loss of pay or other benefits. Reasonable notice of scheduled hearings shall be given to all participants.

WITHDRAWAL
OF APPEAL

An appealing party may withdraw their appeal at any time, but once an appeal is withdrawn it may not be reopened. The oral testimony taken before an

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appointed hearing officer shall be recorded by a licensed stenographer and shall become part of the record.

NATURE OF
DECISION

All decisions of the hearing officer shall be made in writing, shall state the findings of fact based upon "substantial evidence" (where there is a fact dispute involved), shall state the decision reached, and shall inform the appealing party of their right to appeal to the Board of Trustees, where applicable.