

# **Kimberly School District**

## **Students 3300P ®**

### **Corrective Actions and Punishment**

It is the intent of the Board to provide each student with those due process rights that are provided by law.

#### **Suspension**

1. In the event the proposed punishment of a student is to include denial of the right of school attendance from any single class or full schedule of classes for at least one (1) day, the following procedure shall be used:
2. Before suspension, the student shall be provided a conference during which the charges will be explained and the student will be given the opportunity to respond to the charges.
3. A pre-suspension conference is not required and the student can be immediately suspended when the student's presence poses a continuing danger to persons or property or an ongoing threat of disruption to the educational process. In such cases, the notice and conference shall follow as soon as practicable.
4. Any suspension shall be reported immediately to the student's parent or legal guardian. A written notice of suspension shall state the reasons for the suspension, including any school rule which was violated, and a notice to the parent or guardian of the right to a review of the suspension. A copy of the notice shall be sent to the Superintendent.
5. Upon request of the parent or legal guardian, a review of the suspension shall be conducted by the Superintendent. At the review, the student and parent or legal guardian may appear and discuss the suspension with the Superintendent. After the meeting, the Superintendent shall take such action as appropriate. That action is final.
6. Students who are absent, as a result of an out-of-school suspension are required to complete missed assignments and will receive credit according to school policy.
7. The suspension of a student may be extended by the Superintendent and/or the Board in accordance with State law. Written notice of the extension of a suspended student will be provided to the student's parent/legal guardian.

#### **Expulsion**

A student may be expelled from school only by the Board, and only after the following due process procedures have been followed:

1. The student and parent or legal guardian shall be provided written notice of the Board hearing to consider the recommendation for expulsion, by registered or certified mail at least five (5) school days before the date scheduled for the hearing. The notice shall include the grounds for the proposed expulsion, the time and place of the hearing, information describing the process to be used to conduct the hearing, including the rights of the student to be represented by counsel, to produce witnesses and submit documentary evidence and the right to cross examine adult witnesses who testify against the student.
2. Within the limitation that the hearing must be conducted during the period of suspension, an expulsion hearing may be rescheduled by the parent or legal guardian by submitting a request showing good cause to the Superintendent at least two (2) school days prior to the date of the hearing as originally scheduled. The Superintendent shall determine if the request shows good cause.
3. At the hearing, the student may be represented by counsel; present witnesses and other evidence, and cross-examine adult witnesses. Formal rules of evidence are not binding on the Board.

### **Procedures for Suspension and Expulsion of Students with Disabilities**

The District shall comply with the provisions of the IDEA when disciplining students. No special education student shall be expelled if the student's particular act of gross disobedience or misconduct is a manifestation of the student's disability as determined by the IEP Team. Any special education student whose gross disobedience or misconduct is not a manifestation of the student's disability may be expelled pursuant to expulsion procedures, except that the disabled student shall continue to receive education services as provided in the IDEA during such period of expulsion.

A special education student may be suspended for ten (10) days of school per incident, regardless of whether the student's gross disobedience or misconduct is a manifestation of the student's disabling condition. Any special education student who has or will exceed ten (10) days of suspension may be temporarily excluded from school by court order or by order of a hearing officer if the District demonstrates that maintaining the student in the student's current placement is substantially likely to result in injury to the student or others. The student shall continue to receive educational services in accordance with the IDEA during such period of suspension.

A special education student who has carried a weapon to school or to a school function or who knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function may be removed from the student's current placement. Such a student shall be placed in an appropriate interim alternative educational setting for no more than forty-five (45) days in accordance with the IDEA.

#### **Procedure History:**

Adopted on: April 8, 2003

Revised on: May 21, 2009