

Suspension/Expulsion Policy

Note: When making decisions on behavioral interventions for students receiving special education services, the IEP team shall refer to the *USOE Special Education Least Restrictive Behavior Interventions (LRBI) Guidelines* for information on research-based intervention procedures.

Each student will receive a document outlining what will be considered “acceptable” behavior at school. This will become the contract for which students will be held accountable. If the student does not comply with the rules and expectations outlined in the contract, Promontory School will employ the following steps to resolve the problem:

1. *Teacher Intervention*: The teacher and student will meet to clarify appropriate conduct with a pledge from the student to maintain acceptable behavior.
2. *Director Intervention*: The Director will meet with the student to discuss appropriate behavior and the parent will be notified.
3. *Parent Intervention*: If the problem persists, the parent will be required to meet with the Director to discuss the best way to help the student.

Upon recommendation of the Director, the student may be suspended from school. Students may be suspended for a short time (under 10 days) for reasons that may include:

1. *Continued disobedience*: This includes but is not limited to refusal to obey school staff, defiance, disruption, breach of school behavior policy, use of tobacco and alcohol on school property or during school sponsored activities.
2. *Aggressive behavior*: This includes but is not limited to physical, verbal or written abuse or bullying directed towards other students or staff.

Students may be suspended by the Director for greater than 10 days if short suspensions have not resolved the issue of the student’s behavior problems or if the behavior is of a more serious nature. Students may be suspended for a greater than 10 days for reasons that may include:

1. *Physical violence*: Students who inflict physical harm on other students or staff or put students or staff in real physical danger.
2. *The use or possession of a weapon or firearm*: This includes using or threatening to use any object as a weapon.
3. *Possession or use of an illegal substance*: Not including tobacco or alcohol. This includes supplying other students with illegal substances such as controlled drugs.
4. *Persistent misbehavior*

Any student suspended for more than 10 days shall have the right to appeal the decision before the Disciplinary Board.

Upon recommendation of the Director and Governing Board, the student may be expelled from school. Expulsion may be considered for a student who has serious circumstances of misbehavior. Students who are expelled shall have the right to appeal the decision before the Disciplinary Board, as defined by the procedures maintained by the school director.

In all cases of suspension and expulsion, Promontory School will follow procedures for notification and due process as outlined in the [Model Student Suspension/Expulsion Policy](#) as found on the USOE website.

Discipline Procedures for Students with Disabilities

The Director will be responsible for understanding the legal requirements for discipline in relation to students with disabilities. In most cases, behavioral expectations will be the same for all students at the school unless the behavior is a manifestation of a student's disability and/or special considerations have been made relative to a student's IEP. Ultimately, ensuring the safety of all students and school personnel will be a priority.

If the pupil qualifies as a student with a disability under IDEA 2004 or 504, or if the student is currently being evaluated for special education services, suspension must follow all applicable state and federal laws regarding students with disabilities. The special education team (including parents, School Director, classroom teachers, and special education teachers) must ensure that any disciplinary or suspension procedures are aligned with the student's IEP and are carefully documented.

Promontory School will follow Utah Special Education Rules regarding discipline procedures for students with disabilities (*Utah State Board of Education Special Education Rules, section V.*)

MODEL STUDENT SUSPENSION/EXPULSION POLICY

Local school boards should review their district policies on student suspensions/expulsions! District policies should include the following minimal procedures and define the necessary terms.

The district policy should explain criteria for student attendance and participation in extracurricular activities during the suspension/expulsion process. Note: Time periods are based on "school days" not "calendar days."

I. DEFINITIONS

A. "Notification" means notice to parents by a reasonable, reliable process, e.g. by mail, by notice in school newsletter, by student delivery, at school registration.

B. "Timely hearing" means that a hearing will be scheduled no more than 5 school days following the suspension/expulsion. Allowance may be made by mutual agreement of the parties, inability of district to contact parent(s)/guardian(s) despite documented good faith efforts, or lack of cooperation by parent(s)/guardian(s).

II. SHORT-TERM SUSPENSION

If a school administrator intends to suspend a student for less **than 10 school days** the following procedures should be followed:

A. Student and parents should be notified immediately of the school's intent to suspend:

1. If the school intends to suspend the student immediately, parents should be notified immediately.

2. Students younger than 14 should never be released until and unless a parent or emergency contact is notified.

3. Students older than 14 should be released to a parent and should never be sent from schools without making a very deliberate effort to notify a parent or emergency contact.

B. A student should hear a brief explanation of reason(s) for suspension prior to suspension.

C. A student should have the opportunity to tell his side of the story prior to suspension.

D. This student/administrator or student/teacher conversation or meeting should be documented by the teacher/administrator in writing or on a permanent computer file.

III. LONG-TERM SUSPENSION

If a student is suspended for **more than 10 school days**, school district policy shall provide for the following minimum standards:

- A. Notice of reasons for suspension to student and parents, preferably in writing.
- B. Notice of opportunity for a **timely** hearing.
- C. If a parent requests a hearing, the parent shall have and receive notice of:
 - 1. names of witnesses against him and opportunity to present witnesses (witnesses' names may be protected if school determines they would suffer physical/psychological harm; student cannot **compel** witnesses);
 - 2. reasonable time to prepare the case;
 - 3. the opportunity for counsel, if school district/local board uses an attorney;
 - 4. the right to notice of procedures for the hearing in writing, in student handbook or on district website;
 - 5. the right to have the hearing recorded;
 - 6. a **fair** hearing officer (credible and objective person or panel – not necessarily uninformed);
- D. The decision must not be based **solely** on hearsay; rules of evidence do not control.
- E. The student has no official protection against self-incrimination; though if criminal charges are also pending, this may require consultation with local law enforcement.
- F. A decision must be made **only on evidence presented at the hearing**.
- G. Student/parent has the right to written findings.
- H. Decision is by a preponderance (>50%) of the evidence.
- I. Student should have at least one level of appeal.
- J. Student/parents must "exhaust administrative remedies" and participate and cooperate in one of these processes, prior to appealing a decision to District Court.

IV. OTHER ISSUES TO CONSIDER IN THE DEVELOPMENT OR REVIEW OF A DISTRICT POLICY

- A. If administrator offers student/parent **opportunity** to explain or have a hearing, and student or parent refuses or waives the right, due process is satisfied.
- B. Make-up work - A district policy shall allow/disallow make-up work for student absences during suspensions/expulsions or provide criteria under which make-up work is allowed. **Most** courts favor allowing students to do make-up work for classes that they miss. Note: The make-up assignments may not and need not be exactly what the student missed.
- C. School holidays, teacher workdays, school-wide activities or team assessments should not be used as excuses for delaying due process or for short-term suspensions resulting in long-term suspensions. If a school foresees delays, the school should use the more formal due process.
- D. A school or school district policy should provide for administrators, rather than teachers, to make longer-term suspension decisions.
- E. Rule of thumb: The longer the suspension, the greater the process that is due.
- F. Even a short-term suspension that causes a student to miss significant work (e.g. midterms, finals, final reports) may necessitate greater due process.