

COLCHESTER SCHOOL DISTRICT

POLICY: STUDENT SUSPENSION

DATE ADOPTED: March 29, 2005

POLICY STATEMENT

Suspension separates the student from school for a specified period of time, e.g., four hours, four days, etc. A *short-term suspension* is defined as ten (10) days or less. Thus, no single short-term suspension shall exceed ten (10) school days. A *long-term suspension* is defined as more than ten (10) days. In general, suspensions of students identified as disabled shall not exceed a cumulative total of ten (10) school days during an academic year.

Administrative restriction is not considered a short-term suspension. Suspension may be imposed only by the principal, assistant principal, or the Superintendent or his/her designee. When disciplining disabled students (or those suspected of being disabled) the District shall comply with all state and federal laws.

SHORT-TERM SUSPENSIONS

With but one exception, in all cases of suspension from school the students and his/her parent or guardian shall be given an opportunity for an informal hearing before an appropriately designated school administrator. The exception involves a student who, because of his or her conduct or condition, is an immediate threat to himself or herself, to others, to property or to the educational environment. In this instance the school administrator may take whatever action is appropriate under the circumstances including but not limited to immediate suspension pending a hearing within the next four (4) succeeding school days. Except as noted in the preceding sentence, the informal hearing must precede the suspension. At the informal hearing, the school administrator shall provide, either orally or in writing, the following:

- Notice of the charge(s);
- Explanation of the evidence against him or her;
- Opportunity for the student to tell his or her side of the story; and
- His or her decision on the matter.

Immediately following the informal hearing, the student's parent(s) or guardian, or the student himself or herself if over the age of 18, shall be notified in writing of any decision to suspend. All suspensions shall be reported to the Superintendent immediately. With respect to students eligible for special education, parents shall also be notified.

There shall be no formal appeal of suspension, but a student or his/her parent(s) or guardian may request the Superintendent review a suspension. The suspension shall not be delayed pending any review, however, unless so ordered by the Superintendent.

Date Warned: March 4, 2005
 First Reading: March 8, 2005
 Second Reading: March 29, 2005

LONG-TERM SUSPENSIONS

Long-term suspension separates a student from school for a period of time that is more than ten (10) consecutive school days and up to the remainder of the school year, for misconduct when the misconduct makes the continued presence of the student harmful to the welfare of the school. Only the Colchester School Board has the authority to impose a long-term suspension, and its decision shall be final.

In cases of a long-term suspension, the student and his or her parent(s) or guardian shall be given an opportunity for a formal hearing before the School Board. The Colchester School District shall follow these steps prior to the formal hearing.

- A written recommendation for long-term suspension shall be prepared by the principal or the Superintendent or his/her designee. It shall contain a full statement of the grounds on which the recommendation is made and a summary of the evidence against the student. It shall be sent to the Chair of the School Board and to the Superintendent.
- A formal hearing shall be scheduled before the Colchester School Board to be conducted in accordance with *Colchester School District* procedure, i.e., the *Procedure for the Hearing Process in a Long-Term Suspension of a Student*.
- Before the formal hearing, the following information shall be sent by certified mail to the home address of the student and his/her parent(s) or guardian:
 - a. The written recommendation for the long-term suspension of the student.
 - b. A notice of hearing stating the date, time, and place of the scheduled hearing.
 - c. A copy of the *Colchester School District Procedure for the Hearing Process in a Long-Term Suspension of a Student*.
 - d. Notice of which policy was violated.
 - e. Notice that the student has the right to legal representation at the hearing.
 - f. Notice that the student has the right at the hearing to present evidence.
 - g. Notice that the student has the right at the hearing to cross-examine witnesses.
 - h. The name and phone number of a school administrator to be contacted in case there are questions.

**PROCEDURE: PROCEDURE FOR THE HEARING PROCESS IN A
LONG-TERM SUSPENSION OF A STUDENT**

HEARING:

- A. A quorum of the School Board must be present.
- B. The Chair of the Colchester School Board will meet with the student. The Chair will explain to the accused and/or his or her parent(s) and/or his or her counsel the procedure that will be followed.
- C. Those present shall be School Board members, the accused, the principal or designee who will present the administration's case, and a representative of the Superintendent's office. The accused and/or the School Board may elect to have counsel. The accused may be accompanied by his/her parent(s) or legal guardian. Witnesses will be present when called upon by the Chair. Only witnesses who have something material to contribute to the case will be allowed. Personal character witnesses may be allowed if approved by the School Board following the presentation of the case.
- D. The Superintendent or designee will supply all School Board members, the accused, his/her counsel and/or parent(s) or guardian, with copies of the following documentation:
 - 1. Written statement of the grounds on which the recommendation is made and a brief summary of the evidence against the student.
 - 2. Any police report expected to be furnished to the School Board at the hearing.
 - 3. Summary of past disciplinary actions of record involving the accused student.
- E. The Chair shall see that the following procedure is followed:
 - 1. Give time, date, place, people in attendance.
 - 2. Request a reading of the statement of grounds on which the recommendation for a long-term suspension is made.
 - 3. Ensure that the School Board members and accused understand the grounds for the recommendation for a long-term suspension.
 - 4. Request that the principal or designee present his/her case. The principal or designee will do so by calling witnesses and presenting evidence. At this time, Board members and administration will be allowed to question witnesses.
 - 5. The student/parent/representative may then ask questions of witnesses.

6. The student or his or her agent may then present his or her side of the case and call witnesses and present evidence. Witnesses may be examined by the accused and by the School Board.
 7. The Administration may then ask questions of the witnesses.
 8. At the close of evidence the Chair shall announce that the School Board is going into private deliberations. Prior to going into deliberation the School Board shall ask for a recommendation from the administration. The Chair may also receive recommendations from the accused and/or his or her parent(s) and/or his or her counsel. After receiving these recommendations, the Chair will clear the hearing room except for the Superintendent or counsel to the School Board. Deliberations shall begin.
- F. In making its final decision, the School Board reserves the right to accept the recommendation for long-term suspension, reject it, or impose a different sanction as it deems necessary for the benefit of the accused and/or the entire student body. Options of the School Board may include but are not necessarily limited to long-term suspension, short-term suspension, or other sanctions, all as defined by School Board policy.

A student's return to school may be conditioned upon his/her cooperation in participating in counseling and/or a specialized program designed to meet his/her particular needs. Such a program shall be designed by administrative officers and/or faculty members of the school and shall be approved by the principal. The cost of any counseling or other specialized services shall be borne by the student.

Post-Hearing

- A. If after reasonable time the School Board has not made its decision, the Chair will inform those waiting for the decision that a decision will be forthcoming and set a specific date and time to give the decision to the accused. Said date shall be no later than five school days after the date of the hearing, or ten calendar days, whichever comes sooner.
- B. The Superintendent will prepare a letter notifying the accused and parent(s) and/or legal guardian of the decision of the School Board.
- C. Copies of tapes and/or documentary evidence will be made available upon request, at cost, to the accused, or his/her parent(s), guardian and/or counsel.