**Statement of Rights Student Rights**

# SUSPENSION EMERGENCY EXCLUSION EXPULSION MANDATORY REASSIGNMENT

This document will explain a student's rights regarding exclusion, suspension, expulsion and mandatory reassignment. If you have any questions about any of the information contained in this document or your statutory rights, please contact the Principal or superintendent of schools.

A principal or the principal’s designee may determine that it is necessary to suspend, expel or exclude a student from school and/or school activities. The range of possible actions includes short‑term suspension, emergency exclusion, long‑term suspension, expulsion, and mandatory reassignment. In addition, school district staff may take other actions regarding student behavior, including, but not limited to counseling of students, parent conferences, rearranging schedules, requiring a student to remain in school after regular hours to do additional work, requiring that a student receive counseling, or restricting extracurricular activity.

It is the principal's responsibility to recommend the type of action to be taken. You have been notified of the principal's recommendation in the case involving your child. The definition and procedures for short‑term suspension, emergency exclusion, long‑term suspension, expulsion, and mandatory reassignment are set out below.

## SHORT‑TERM SUSPENSION

1. Short‑term suspension is suspension from school and school functions for as many as five (5) school days.

2. During the short‑term suspension, the student may not attend school or take part in any school function.

3. A conference will be scheduled for you to attend with your student to discuss the problems causing the suspension.

4. The student will return to school after the suspension has been completed.

## EMERGENCY EXCLUSION

1. Exclusion may be recommended for a period of time as long as the student's presence in the school presents a threat to himself/herself or others. This threat may be the result of dangerous communicable disease, conduct that presents a clear threat to the physical safety of himself/herself or others, or conduct which is so disruptive that it interferes with other students' pursuing an education.

2. During the period of exclusion, a student may not attend school or take part in any school function.

3. If the danger lasts beyond five (5) school days, you may request a hearing.

4. The student may return to school when it is determined that the danger no longer exists.

## LONG‑TERM SUSPENSION

1. Long‑term suspension is suspension from school and school functions for six (6) to nineteen (19) school days.

2. Before a long‑term suspension takes effect, the student or student's parent(s) may request a hearing. However, the principal has the authority to require that the student remain out of school until the hearing officer makes a recommendation to the superintendent of schools if, in the principal's judgment, it would "reduce the risk of (a) interference with an educational function for school purpose or (b) a personal injury to the student himself or herself, other students, school employee or school volunteers."

3. Any disciplinary matter may be settled by mutual agreement between the family and the building principal prior to the hearing.

4. If a hearing is not requested within five (5) school days after receipt of notice, the long‑term suspension will go into effect at the close of the fifth school day following receipt of notice.

5. To request a hearing, you must complete and deliver or mail a written request to the superintendent of schools. The school office must receive the request for a hearing on or before the fifth school day following your receipt of notice in order to prevent the long‑term suspension from taking effect at the end of the fifth day.

## EXPULSION

1. Expulsion is exclusion from school and school functions for the remainder of the semester during which the expulsion takes effect. If the misconduct resulting in an expulsion occurred within the last ten school days of the first semester, the expulsion will remain in effect through the second semester. If the misconduct occurred within the last ten school days of the second semester, the expulsion will remain in effect for summer school and for the first semester of the following school year. Expulsion may be for two semesters in instances involving the knowing and intentional use of force in causing or attempting to cause personal injury to a school employee, school volunteer or a student or the knowing and intentional possession, use of, or transmission of a firearm or other dangerous weapon. Federal law requires that a student be expelled for a calendar year for bringing a firearm onto school property or to a school event.

2. Before an expulsion takes effect, the student or student's parent(s) may request a hearing. However, the principal has the authority to require that the student remain out of school until the hearing officer makes a recommendation to the superintendent of schools if, in the principal's judgment, it would "reduce the risk of (a) interference with an educational function for school purpose or (b) a personal injury to the student himself or herself, other students, school employee or school volunteers."

3. Any disciplinary matter may be settled by mutual agreement between the family and the building principal prior to the hearing.

4. If a hearing is not requested within five (5) school days after receipt of notice, the expulsion will go into effect at the close of the fifth school day following receipt of notice.

5. To request a hearing, you must complete and deliver or mail a written request to the superintendent of schools. The school office must receive the request for a hearing on or before the fifth school day following your receipt of notice in order to prevent the expulsion from taking effect at the end of the fifth day.

## MANDATORY REASSIGNMENT

1. Mandatory reassignment means the involuntary transfer of a student to another school in connection with any disciplinary action.

2. Before a mandatory reassignment takes effect, the student or student's parent(s) may request a hearing. However, the principal has the authority to require that the student remain out of school until the hearing officer makes a recommendation to the superintendent of schools if, in the principal's judgment, it would "reduce the risk of (a) interference with an educational function for school purpose or (b) a personal injury to the student himself or herself, other students, school employee or school volunteers."

3. Any disciplinary matter may be settled by mutual agreement between the family and the building principal prior to the hearing.

4. If a hearing is not requested within five (5) school days after receipt of notice, the mandatory reassignment will go into effect at the close of the fifth school day following receipt of notice.

5. To request a hearing, you must complete and deliver or mail a written request to the superintendent of schools. The school office must receive the request for a hearing on or before the fifth school day following your receipt of notice in order to prevent the mandatory reassignment from taking effect at the end of the fifth day.

**SUSPENSION UNTIL HEARING OFFICER’S RECOMMENDATION**

There are instances when the principal may deem it advisable for the student to remain out of school either until the expulsion, suspension or mandatory reassignment takes effect or the hearing examiner makes a recommendation to the superintendent of schools.

## THE HEARING PROCEDURE

1. The superintendent of schools will appoint a hearing examiner when a request for hearing is received.

2. The hearing examiner may be any person who did not bring charges against the student, is not to be a witness at the hearing, and has no involvement in the charge.

3. Within two (2) school days after being appointed, the hearing examiner shall give written notice of the time, date and place of the hearing.

4. The hearing will be held within a period of five (5) school days after it is requested (unless changed for good cause).

5. No hearing will be held on less than two (2) school days’ notice unless otherwise agreed to by the student's parent(s) or guardian and school officials.

6. Prior to the hearing, the student and his/her parent(s) or guardian have the right to examine and have explained the student's records and any written statements that the school officials will use in the hearing.

7. The hearing will be attended by the hearing examiner, the principal (or designee), the student, and the student's parents or guardian. The student may also be represented at this hearing by any person of his or her choice, including a lawyer.

8. The student and his/her parent(s) or guardian may ask any person with knowledge of the events leading up to the sanction or with general knowledge of the student's character to testify on behalf of the student. If school personnel or other students are requested to testify by the student, his/her parents or guardian, school officials will try to help the student obtain the presence of such witnesses at the hearing.

9. The student and his/her parent(s) or guardian have the right to request in advance of the hearing the identity of any witnesses appearing on behalf of the school and the substance of the testimony of any of those witnesses.

10. Witnesses shall be present only when testifying.

11. The student may be excluded at the discretion of the hearing examiner in compliance with state statutes.

12. The student may speak in his/her own defense and may be questioned on such testimony, but may choose not to testify.

13. The principal (or designee) shall present evidence on behalf of the school, supporting the recommended action.

14. Witnesses will be given an oath of affirmation, and may be questioned by both parties.

15. The hearing examiner shall prepare and send a report of his findings and recommendation to the superintendent. The hearing examiner may recommend that the superintendent impose the consequence proposed by the principal, that the superintendent impose a different consequence than the one proposed by the principal, or that the superintendent not impose any consequence.

16. The hearing will be recorded at the school district’s expense.

17. The superintendent will review the hearing examiner's report and reach a determination. The superintendent may a different sanction than that recommended by the hearing examiner, but not one that is more severe.

18. The superintendent's determination will be personally delivered or sent by registered or certified mail to you and your student.

19. The consequence will take effect upon your receipt of the superintendent's determination.

## APPEAL PROCEDURE

1. You may appeal the superintendent's determination to the board of education within seven (7) school days following a hearing.

2. The appeal request must be written and filed with the board secretary.

3. A hearing will be held before the board or a committee of the board, which consists of not less than three board members.

4. Any appeal shall be made on the record of the hearing before the hearing examiner, except that new evidence may be admitted to avoid a substantial threat of unfairness.

5. After examining the record and taking new evidence, if any, the board committee may withdraw to deliberate privately upon the record and new evidence.

6. The board may reopen the hearing to obtain additional evidence.

7. The board may alter the superintendent's decision, but may not impose a more severe sanction.

8. Notice of final board action will be by personal delivery, or registered or certified mail.

1. The board's decision may be appealed by filing a petition in the state district court.

If you have any questions, please contact the principal or the superintendent of schools.