

STUDENT SUSPENSION/EXPULSION REGULATION

Generally

Students may be suspended or expelled from attendance at school for sufficient cause. Examples of specific violations of the Standards of Student Conduct for which suspension and/or expulsion would be appropriate penalties are listed in Policy JFC and Regulation JFC-R.

Appeals

Decisions of the Superintendent or his designee in cases of short-term suspensions (those of ten school days or less) are final and may not be appealed to the School Board.

Decisions of the Superintendent or his designee in cases on long-term suspensions (those of more than ten school days) may be appealed to the School Board. Appeals of long-term suspensions must be in writing and must be filed with the Superintendent within seven calendar days of the suspension decision. Failure to file a written appeal within the specified time will constitute a waiver of the right to an appeal. The School Board will consider the appeal upon the record of the case and render a decision within 30 calendar days of the appeal.

The decision of the Superintendent to recommend the expulsion of a student must be reviewed by the School Board and confirmed or denied by the Board.

Procedures for Long-term Suspension or Expulsion

I. INITIATING LONG-TERM SUSPENSION OR EXPULSION

A. Decision to Seek Suspension Over Ten Days or Expulsion

If after investigation, the principal decides that a penalty more severe than any within his/her own authority is warranted, he/she may notify the Division Superintendent/Designee of that decision and ask that a hearing date be set. This action must be taken within ten (10) school days after the misconduct occurs.

B. Sanction Before Hearing

The procedure described in subsection (A) above does not affect the principal's authority to invoke a short-term suspension or other sanction after his/her investigation. The principal may continue a short-term suspension hereunder until such time as the Division Superintendent/Designee shall make his disposition of the case.

II. NOTICE

Whenever the principal seeks a long-term suspension or expulsion, he/she must give written notice to the student, to the parent(s), and to the Division Superintendent/Designee as soon as possible. Notice should be given no later than the end of the tenth school day following the day of misconduct. The notice shall include:

- A. the rule violated and the acts of the student thought to have violated the rule, including a summary of the evidence against him/her;
- B. the penalty that the principal plans to recommend to the Division Superintendent/Designee, including the length of the proposed suspension;
- C. a description of the hearing procedures;
- D. notification that written statements about the misconduct and that the student's records are available at the school for examination by the student, the parent(s), or authorized representative;
- E. a statement that before long-term suspension or expulsion can be invoked the student has a right to a hearing which may be waived if the student and his/her parent(s) agree to forego it by furnishing the principal a signed statement to that effect. The student and his/her parent(s) shall notify the school within forty-eight hours after receipt of notice as to whether they will waive the hearing. If the hearing is not waived, a time and place for the hearing will be established by the Division Superintendent/Designee;
- F. a copy of the Standards of Student Conduct;
- G. information concerning the availability of community-based educational, training, and intervention programs;
- H. whether or not the student is eligible to return to regular school attendance, or to attend an appropriate alternative education program approved by the School Board, or an adult education program offered by the school division, during or upon the expiration of the expulsion, and the terms or conditions of such re-admission.

III. SCHEDULING A HEARING

If the hearing is not waived, it shall be set within a reasonable time and in no event later than ten (10) calendar days following the mailing of the notice.

IV. GROUP HEARING

When students are charged with violating the same rule and have acted in concert and the facts are basically the same for all students, a single hearing may be conducted for them if both the principal and the Division Superintendent/Designee believe that the following conditions exist:

- A. a single hearing will not likely result in confusion, and
- B. no student will have his interests substantially prejudiced by a group hearing. If, during the hearing, the Division Superintendent/Designee finds that a student's interests will be substantially prejudiced by the group hearing, he may conduct a separate hearing for that student.

V. WRITTEN RECORDS

The principal shall make available to the student, the parent(s), or authorized representative at least two (2) days before the hearing such non-confidential information that has been reduced to writing and may be pertinent to the charge against the student. The information will be available in the principal's office.

VI. AVAILABILITY OF THE STUDENT'S PREVIOUS RECORDS

Besides having access to the basis of evidence against the student, the parent(s), or authorized representative shall have access to the student's previous record.

VII. CHRONIC OFFENDER

At the discretion of the principal, if a student has been suspended for a total of ten (10) school days during a semester, any further short-term suspension by the principal may be followed as soon as possible by a hearing before the Division Superintendent/Designee. A report shall be made to the principal with a copy to the Superintendent stating the Division Superintendent/Designee's findings as to the facts of the latest incident and the recommendation, if any, about dealing with the student in the future.

VIII. CONDUCT OF THE HEARING

A. Closed Hearing

The hearing may be attended only by the Division Superintendent/Designee, the principal, the student, the parent(s), and the student's authorized representative. Witnesses should be present only when they are giving information to the committee. The student may be excluded at the discretion of the Division Superintendent/Designee with the concurrence of the student's parent(s) (or the authorized representative when acting in the place of the parent(s) at times when his/her psychological or emotional problems are being discussed. The Division Superintendent/Designee may include the participation of school personnel who may serve in a consultative role during the proceedings.

B. Student May Remain Silent

The student may speak in his own defense and may be questioned on his testimony, but he may choose not to testify and in such cases he will not be threatened with punishment or later punished for refusal to testify.

C. Principal's Presentation of Information and Records

It shall be the principal's duty to present to the Division Superintendent/Designee at the hearing the pertinent information regarding the student's previous conduct and behavior, as well as that under review, and in addition, such pertinent information as may have been reduced to writing.

D. Use of Witnesses

The principal or the student may present witnesses to support his position. If the principal, the student, and the Division Superintendent/Designee agree that the presence of a witness is unnecessary and that the witness's written statement is adequate to convey pertinent information to the committee, he/she may be excused. No student may be compelled to be a witness.

E. Examination of Witnesses

The Division Superintendent/Designee, the principal, the student, the parent(s), and authorized representative may question witnesses about any matters logically relevant to the charge against the student and the proper disposition of the matter. The Division Superintendent/Designee has authority to limit unproductively long or irrelevant questioning.

F. Role of the Parent(s)

The parent(s) or legal guardian(s) should be present at the hearing and should have an opportunity to make a statement to the Division Superintendent/Designee of their opinion about the proper disposition of the case and to answer questions. Any statements they make need not be filed with the principal before the hearing. They should be able to advise the student during the hearing.

G. Adult Representative

If the parent(s) cannot be present or if the student or his parent(s) think the student's interests can be protected better by the presence of another adult in addition to the parents, the student may bring another adult to the hearing to serve as an authorized representative. If the parents cannot be present, the authorized representative has all the rights of a parent in the hearing before the Division Superintendent/Designee as provided in subsection (G).

IX. DISPOSITION OF THE CASE

Actions of the Division Superintendent/Designee

The Division Superintendent/Designee shall reach his decision on whether the student violated a rule of misconduct. The decision must be based solely on the evidence presented at the hearing and should state substantial findings of fact on which the committee's decision rests. If no misconduct is found, the matter is terminated and no further action may be taken against the student.

When some misconduct is found, even if a rule of misconduct has not been violated, the Division Superintendent/Designee report shall make a recommendation to the Superintendent of Schools concerning what action, if any, should be taken with respect to the student. The recommended action need not be the action suggested by the principal but shall not exceed the penalty he suggests. It may range from no action through the entire scope of counseling attempts and possible penalties including expulsion. The recommendation should explain in terms of the needs of both the student and the school the reasons for the particular action recommended by the Superintendent. In making recommendations for expulsion for violations other than those involving weapons or drugs, the Division Superintendent/Designee shall consider various factors, such as the student's age, grade level, academic and attendance record, and disciplinary history, and the appropriateness and availability of an alternative education placement or program.

XI. APPEAL

Within seven (7) calendar days, the student and his/her parent(s), guardian, or person having control or charge of the student may appeal to the School Board a penalty applied by the Superintendent. Failure to file a written appeal within the specified time will constitute a waiver of the right to an appeal. The penalty need not be postponed pending the outcome of the appeal. The School Board will consider the appeal upon the record of the case within 30 calendar days of the appeal. New evidence will be admitted only to avoid a substantial threat of unfairness.

XII. EXPULSION

A. Right to Hearing

A student may be expelled from the WPS only after being afforded a hearing before the Waynesboro School Board. If, the Division Superintendent/Designee, recommends that the student in question be expelled from the City of Waynesboro Schools, he shall afford the student notice of his right to a hearing before the School Board. In the event the hearing is waived, the School Board shall act upon the Superintendent's recommendation for expulsion, the student shall be suspended until the matter is decided by the School Board.

B. Conduct of the Hearing

The procedure for the School Board hearing shall be as stated in Policy JGD/JGE.

C. Application for Re-admission

The notice shall also include a statement that the student may apply for re-admission to school and that the application must be submitted in writing 45 days prior to the anniversary of the effective date of the expulsion.