

## Suspension/Expulsion of Students

### A. Procedure for suspension of 10 days or less

Through written policy the Charter Board has delegated to any school administrator the power to suspend a student for not more than five or ten days, depending upon the type of infraction. Pursuant to policy JKD/JKE, the administrator had been delegated the power to suspend a student for additional periods of time. However, the total period of suspension will not exceed 25 school days. As a general rule, a suspension will be ten days or less.

The following procedures will be followed in any suspension, unless the student is suspended pending an expulsion proceeding in which case the expulsion procedures will apply.

When the term “parent/guardian” is used, it refers to the parent/guardian of students under 18 years of age; if the student is 18 years or older, it refers to the student. All references to parent/guardian are intended to also include legal custodian.

1. **Notice.** The administrator or designee at the time of contemplated action will give the student and the parent/guardian notice of the contemplated action. Such notice may be oral or in writing. If oral, such notice will be given in person. If written, delivery may be by United States mail addressed to the last known address of the student or student’s parent/guardian.
2. **Contents of notice.** The notice will contain the following basic information:
  - a. A statement of the charges against the student.
  - b. A statement of what the student is accused of doing.
  - c. A statement of the basis of the allegation. Specific names may be withheld if necessary to shield a witness.

This information need not be set out formally but should sufficiently inform the student and parent/guardian of the basis for the contemplated action.

3. **Informal hearing.** In an informal setting, the student will be given an opportunity to admit or deny the accusation and to give his or her version of the events. The administrator may allow the student to call witnesses or may personally call the accuser or other witnesses. The administrator may hold a more extensive hearing in order to gather relevant information prior to making a decision on the contemplated action.
4. **Timing.** The notice and informal hearing should precede removal of the student from school. There need be no delay between the time notice is given and the time of the hearing.
5. **If the student’s presence in school presents a danger.** Notice and an informal hearing need not be given prior to removal from school where a student’s presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process. In this case, an informal hearing will follow as soon after the student’s removal as practicable.

6. **Notification following suspension.** If a student is suspended the administrator delegated the authority to suspend will immediately notify the parent/guardian that the student has been suspended, the grounds for such suspension and the period of such suspension. The notification will include the time and place for the parent/guardian to meet with the administrator to review the suspension.
7. **Removal from school grounds.** A suspended student must leave the school building and the school grounds immediately following the meeting with the parent/guardian at which time the best way to transfer custody of the student to the parent/guardian will be determined.
8. **Readmittance.** No student will be readmitted to school until the meeting with the parent/guardian has taken place or until, in the opinion of the administrator, the parent/guardian has substantially agreed to review the suspension with the administrator. However, if the administrator cannot contact the parent/guardian or if the parent/guardian repeatedly fails to appear for scheduled meetings, the administrator may readmit the student. The meeting will address whether there is a need to develop a remedial discipline plan for the student in an effort to prevent further disciplinary action.
9. **Make-up work.** Suspended students will be provided an opportunity to make up school work during the period of suspension, so the student is able to reintegrate into the educational program of the charter school following the period of suspension. Students will receive \_\_\_\_% credit for makeup work which is completed satisfactorily.

*Note: In determining the amount of credit, pursuant to state law, the goal is to reintegrate the student back into the classroom.*

## **B. Procedure for expulsion or denial of admission**

In the event the Charter Board contemplates action denying admission to any student or prospective student or expelling any student, the following procedures will be followed:

1. **Notice.** Not less than \_\_\_\_\_ days prior to the date of the contemplated action, the Charter Board or an appropriate administrative officer of the charter school will cause written notice of such proposed action to be delivered to the student and the student's parent/guardian. Such delivery may be by United States mail addressed to the last known address of the student or the student's parent/guardian.
2. **Emergency Notice.** In the event it is determined that an emergency exists necessitating a shorter period of notice, the period of notice may be shortened provided that the student or the student's parent/guardian have actual notice of the hearing prior to the time it is held.
3. **Contents of Notice.** The notice will contain the following basic information:
  - a. A statement of the basic reasons alleged for the contemplated denial of admission or expulsion.
  - b. A statement that a hearing on the question of expulsion or denial of admission will be held if requested by the student or parent/guardian within \_\_\_\_\_ days after the date of the notice.
  - c. A statement of the date, time, and place of the hearing in the event one is requested.
  - d. A statement that the student may be present at the hearing and hear all information against him or her, that the student will have an opportunity to present such information as is relevant and that the student may be accompanied and represented by a parent/guardian and an attorney.
  - e. A statement that failure to participate in such hearing constitutes a waiver of further rights in the matter.

4. **Conduct of hearing.** A hearing may be requested by the parent/guardian. Such hearing will be conducted by the Charter Board. The hearing may be conducted in open session or may be closed except to those individuals deemed advisable by the Charter Board president but including in all events the student, the parent/guardian and, if requested, an attorney. Such individuals as may have pertinent information will be admitted to a closed hearing to the extent necessary to provide such information.

Testimony and information may be presented under oath. However, technical rules of evidence will not be applicable, and the Board may consider and give appropriate weight to such information or evidence he or she deems appropriate. The student or representative may question individuals presenting information.

A sufficient record of the proceedings will be kept so as to enable a transcript to be prepared in the event either party so requests. Preparation of the transcript will be at the expense of the party requesting the same.

The Charter Board may retire to executive session to review and discuss the evidence. However, the final decision will be made in public session. The Charter Board will inform the student and the student's parent/guardian of the right to judicial review.

5. **Parental responsibility.** Upon expelling a student, charter school personnel will provide information to the student's parent/guardian concerning the educational alternatives available to the student during the period of expulsion, including the right a parent/guardian to request that the charter school provide services during the expulsion. If the parent/guardian chooses to provide a home-based education program for the student, charter school personnel will assist the parent/guardian in obtaining appropriate curricula for the student if requested by the parent/guardian.

If a student is expelled for the remainder of the school year, the charter school will contact the expelled student's parent/guardian at least once every 60 days until the beginning of the next school year to determine whether the child is receiving educational services. Charter school personnel need not contact the parent/guardian after the student is enrolled in another school district or in an independent or parochial school, or if the student is committed to the department of human services or sentenced to a juvenile or adult detention facility.

6. **Readmittance.** A student who has been expelled shall be prohibited from enrolling or re-enrolling in the same school in which the victim of the offense or member of the victim's immediate family is enrolled or employed when:
  - a. the expelled student was convicted of a crime, adjudicated a juvenile delinquent, received a deferred judgment or was placed in a diversion program as a result of committing the offense for which the student was expelled;
  - b. there is an identifiable victim of the expelled student's offense; and
  - c. the offense for which the student was expelled does not constitute a crime against property.

If the charter school has no actual knowledge of the name of the victim, the expelled student shall be prohibited from enrolling or re-enrolling only upon request of the victim or a member of the victim's immediate family.

No student will be readmitted to school until after a meeting between the administrator or designee and the parent/guardian has taken place except that if the administrator cannot contact the parent/guardian or if the parent/guardian repeatedly fails to appear for scheduled meetings, the administrator may readmit the student.

### **C. Procedure for expulsion for crimes of violence**

The following procedures will apply when the charter school receives notification that a student has been charged in juvenile or district court with a crime of violence as defined by state law.

1. The Charter Board or its designee will make a preliminary determination whether it will proceed with an expulsion hearing, based on the following factors:
  - a. The student's behavior was detrimental to the safety or welfare of other student, teachers, or school personnel
  - b. Educating the student in school would disrupt the learning environment, provide a negative example for other students or create a dangerous and unsafe environment for students, teachers, or other school personnel
  - c. Grounds for expulsion of the student exist

The determination may be made in executive session to the extent allowed by state law.

2. If it is determined that the student should not be educated in the charter school and that grounds for expulsion exist, the charter school will proceed with the expulsion of the student in accordance with the procedures set forth above.
3. Alternatively, expulsion proceedings may be postponed, pending the outcome of the court proceedings. If the expulsion proceedings are postponed the student will not be permitted to return to school during that period. An appropriate alternative education program, including but not limited to, an on-line program authorized by state law or a home-based education program will be established for the student during the period pending the resolution of the juvenile proceedings. The time that a student spends in an alternative education program will not be considered a period of expulsion.
4. If the student pleads guilty to the charge, is found guilty or is adjudicated a delinquent juvenile, the Charter Board or designee may proceed to expel the student following the procedures set forth in these regulations.
5. Information regarding the details of the alleged crime of violence will be used by the Charter Board or its designee for the purposes set forth in this policy, but will remain confidential unless the information is otherwise available to the public by law.

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Lake George Charter School

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