Policy 8350: Student Suspension, Expulsion, and Reinstatement (Rules)

Rules Accepted: *June 29, 2009*
Rules Revised: *May 19, 2014*

Board Policies & Rules: *Section 8000: Students, Administrative Rules*

Any Short Term Suspension - Teachers or Administrators

Short-term suspension shall not be imposed upon a student without giving the student notice of the charges and affording the student an opportunity to reply to the charge. This communication between the student and administrator or teacher may be informal, but shall include the following minimal procedural due process requirements:

a. The rights of the student to be present during the discussion,
b. The right of the student to be informed of the charges,
c. The right of the student to be informed of the basis for the accusation, and
d. The right of the student to make statements in defense of the charges or accusations.

A written notice of any short-term suspension and the reasons for the suspension shall be given to the student involved and to the parent(s)/guardian(s) of the student within 24 hours (one business day) after the suspension has been imposed. In the event the student has not been afforded a meeting prior to any short-term suspension, a meeting shall be provided as soon as practicable but in no event later than 72 hours (three business days) after such short-term suspension has been imposed.

Long-Term Suspension

A "long-term suspension" is defined as any suspension longer than ten instructional days up to and including 180 school days of instruction (a full school year.) A written notice of any proposal for a long-term suspension and the charges upon which the suspension is based shall be given to the student proposed for suspension and to the parent(s)/guardian(s).

Any notice of a proposal to suspend for a long-term shall state the time, date, and place that the student will be afforded an opportunity for a formal hearing, and the hearing shall be held no later than 10 school days after the date of the notice. A copy of this policy and administrative procedures shall accompany the notice.

Upon the conclusion of any formal hearing, which results in a long-term suspension, the person or committee who conducts the hearing shall make a written report of the findings and results of the hearing.

Expulsion

"Expulsion" means a permanent and complete severance of the relationship between the student and the District. While the word "expulsion" or "expel" may appear, at times, in State of Michigan law or rules that refer to a period less than a permanent and complete severance of the District/student relationship, the term, for the purposes of this District, shall mean a permanent severance.

A written notice of any proposal to expel permanently, and the charges upon which the permanent expulsion is based, shall be given to the student and the student's parent(s)/guardian(s). The notice of the proposal to permanently expel shall state the time, date and place that the student will be afforded an opportunity for a formal hearing. It shall also state the right of the student to be represented by counsel, to produce witnesses, and submit evidence on his/her behalf, and to cross-examine any adult witnesses who may appear against him or her. A copy of the Board policy and the administrative procedures shall also be given with the notice.

The hearing shall not be held later than 10 school days after the date of the notice.

Upon any conclusion, which results in a recommendation for permanent expulsion, the Superintendent or designee shall submit a written report detailing the reason(s) for the recommendation to the Board.

The report shall be open to the inspection of the student who is being recommended for permanent expulsion, and if the student has not attained 18 years of age, to the student's parent(s)/guardian(s) and counsel or other advisor of the student. If the student is 18 years of age or older, the report shall be open to inspection by the parent(s)/guardian(s) and counsel or other advisor of the student only upon written consent of the student.

At the permanent expulsion hearing, evidence of whether the student is guilty of the gross disobedience or misconduct as recommended shall be presented. After the presentation of the evidence, the hearing committee shall decide the issue of guilt and take such action as it finds appropriate.

Written Notice

Written notice of the result of any hearing resulting in a long-term suspension or in a permanent expulsion shall be given to the student and to his/her parent(s)/ guardian(s) within 7 school days after the determination.

Formal Hearing Procedure: Suspension and Expulsion

The formal hearing provided for in Board policy shall be conducted in accordance with the following procedures:

- The right of the student's parent(s)/guardian(s) to be present at the hearing,

- The right of the student and his/her advisor to hear or read a full report of testimony of witnesses against the student,
- The right of the student to present his/her own witnesses,
- The right of the student to testify in his/her own behalf and give reasons for his/her conduct,
- The right of the student to have an orderly hearing, and
- The right of the student to a fair and impartial decision based on substantial evidence.

Appeals

Any student who has been suspended for a long-term may file a written request to appeal the long-term suspension with the office of Community and Student Services no later than 10 school days after receiving written notice.

The appeal shall be heard by the designated hearing officer or appointed hearing appeal committee not later than 20 school days after the notice of appeal is filed.

The student and his/her parent(s)/guardian(s) shall be notified in writing of the time and place of the appeal hearing at least five days prior to the appeal hearing. The appeal hearing shall be conducted in accordance with the procedures stated above.

Formal Hearing Procedures

Mechanical or electronic recording shall be used to make a record of the appeal hearing in all long-term suspension or permanent expulsion cases.

The designated hearing officer or appointed appeal committee shall render its decision on any appeal within 5 school days after the conclusion of the appeal hearing.

