

Board Policy Suspension - Expulsion of Student

The Constitution of the State of Michigan provides every student the right to a free public elementary and secondary education. (Article 8 of the State of Michigan.)

Discipline, when applied fairly, consistently, and uniformly, is an essential element of every school district's success. Effective use of discipline requires that there be both appropriate due process to protect the student's rights and sufficient administrative option to meet the school's needs. The absence of either precludes the maintenance of an effective educational environment. The United States Supreme Court has stated, "Some modicum of discipline and order is essential if the educational function is to be performed. Suspension is considered not only a necessary tool to maintain order but a valuable educational device."

In addition to the student handbooks of the schools (adopted annually by the board of Education) which include Student Behavior Policies and processes for Saturday School, on rules to the alternatives used for Suspension - Expulsion, the Board sets forth the following rules to be used in Suspension - Expulsion of students.

The Board of Education authorizes the superintendent, principals and designee of the superintendent in cases of principals absences- to suspend pupils from school for 10 (ten) school days when suspension of a pupil is deemed to be in the best interest of the school. A student may be suspended only once for each episode of inappropriate behavior. Suspension shall be at the discretion of the superintendent/principals when the student is deemed guilty of gross misdemeanor, persistent disobedience, disruption of the educational process which prevents other students from learning in a safe orderly environment, and is in the best interest of the school.

The student handbooks shall serve as the code of conduct and provide examples of acts, which in the Board's judgment, allows for suspension.

Prior to suspension of a student the student will be given oral or written notice of the charges against him. If the student denies the charges, an explanation of the evidence the authorities have will be given, then the student will have an opportunity to present his side of the story. In the great majority of cases the principal may informally discuss the alleged misconduct with the student minutes after it has occurred. In being able to explain his version of the facts at this discussion, the student will have first been told what he is accused of doing and the basis of the accusation.

There are recurring situations in which prior notice and hearing cannot be insisted upon. A student whose presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process may be immediately removed from school. In such cases

the necessary notice and rudimentary hearing should follow as soon as practicable.

It is not to be construed that the hearing requires or affords the student the opportunity to secure counsel, to confront and cross-examine witnesses supporting the charge or call his own witnesses to verify his version of the incident. Suspensions longer than 10 days or expulsion afford more provisions than mentioned above.

A letter to the parents of minors or a letter to the student who has reached the age of majority will follow the oral procedures. The letter will minimally include the charge, length of suspension and appeal procedures should the parents or student who has reached the age of majority find error or believe the disciplinary act was arbitrary or unreasonable.

In compliance with the Department of Education, the Board policy is that handicapped students may not be suspended for more than 10 days and that a 10 day suspension of a handicapped student does not require a meeting of the Individualized Educational Planning Committee. However, a suspension more than 10 days of a handicapped student will require the convening of an Individualized Educational Planning Committee as long term exclusion does constitute a change in educational placement.

In some cases suspension from transportation services will occur without suspension from school.

The same procedures and criteria will be followed as previously cited when a student is suspended from transportation services.

If the behavior problem is isolated to a transportation situation, the notice of suspension sent to the parents should indicate the following:

- A) The reasons for the suspension.
- B) The length of time the student will be denied bus privileges.
- C) Identify if the student is being suspended from transportation only or if the suspension also covers attendance at school.
- D) If the suspension is restricted to transportation, the notice should indicate that the parents are required to have the child attend school and should indicate that it is the parent's obligation to assure that the student gets to school and returns home safely during the suspension period.

In addition to the above the bus driver may suspend a student for up to (1) one day from bus privileges when in the opinion of the driver his/her presence could jeopardize the safety and/or orderly conduct of the passengers. The driver will inform the student upon his departure that he is suspended for one day, notify the student's parents, if possible, and notify the school authorities as soon as possible. The school authorities may extend the bus riding suspension or include suspension from school depending on the circumstances.

EXPULSION

Expulsion is the exclusion of a student from the school system by the Board of Education. The Board has three options 1) permanently expel a student, 2) expel a student for a given period of time, such as a semester or the remainder of the school year, 3) expel until specified conditions are met including a time element.

Refusal to enroll a student is not considered expulsion. An example of, “refusal to enroll”, is when a student or his parents fail to provide proof of immunization.

The reasons for expulsion are gross misdemeanor, persistent disobedience or gross disruption of the educational rights of other students. Again, examples will be found in the individual school’s handbooks.

It is important to note that students who fall within the mandatory school age and are expelled, are not denied the right to a free public education. State law requires that these students be referred to the juvenile court or to an agency of the state which then receives jurisdiction over the student.

The School Board may also expel a student from bus riding privileges.

When expulsion is considered the following procedures are to be followed:

- A) Written notification by the administration of the charges, the time and place the Board will convene to consider expulsion. The notice will state that the student has the right to be accompanied and advised by parents and legal counsel, when desired.
- B) The Board will provide an opportunity for the student and parent(s) to appear before the Board to hear charges and evidence justifying expulsion. In instances of student discipline, the parents, or student if at the age of majority, has the choice of the hearing to be held in an open or closed meeting.
- C) The student, student’s parents or counsel on behalf of the student, will be given an opportunity to respond to the charge, provide evidence challenge the evidence and testimony presented in favor of expulsion, or otherwise provide testimony in self-defense.
- D) The formal action of the Board will be in compliance with the Open Meeting Act.

If the student is suspected of being handicapped the pupil must be referred for evaluation prior to the expulsion hearing. If the student is eligible for Special Education, the administration must convene an IEPC and postpone expulsion hearings until appropriate placement is determined. If the IEPC determines that the student is appropriately placed then the expulsion procedure may be continued and the Board may convene to consider expulsion.

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