

## **Suspension and Expulsion Policy**

**Introduction.** Provident recognizes that exclusion from the educational program of the school, whether by suspension or expulsion, is the most severe sanction that can be imposed on a student and one that cannot be imposed without due process. The Provident Board shall define and publish the types of offenses that would lead to exclusion from school. Exclusions affecting students with disabilities shall be governed by applicable state and federal law and regulations.

Provident may, after a proper hearing, suspend or expel a student for such time as it deems necessary, or may permanently expel a student.

### **Procedure.**

*Suspension.* The Principal & CEO may suspend any student for disobedience or misconduct, including a violation of the Code of Conduct, for a period of one (1) to ten (10) consecutive school days and shall immediately notify the parent/guardian and the Superintendent in writing when the student is suspended.

No student may be suspended without notice of the reasons for which s/he is suspended and an opportunity to be heard on his/her own behalf before the school official who holds the authority to reinstate the student. Prior notice is not required where it is clear that the health, safety or welfare of the school population is threatened. Suspensions may not be made to run consecutively beyond the ten (10) school day period.

When a suspension exceeds three (3) school days, the student and parent/guardian shall be given the opportunity for an informal hearing with the building principal or his/her designee. Such hearing shall take place as soon as possible after the suspension, and Provident shall offer to hold it within the first five (5) days of the suspension.

The purpose of the informal hearing is to permit the student to explain the circumstances surrounding the event leading to the suspension, to show why he/she should not be suspended, and to discuss ways to avoid future offenses.

#### *Due Process - Informal Hearing*

1. The student and parent/guardian shall be given written notice of the reasons for the suspension.
2. The student and parent/guardian shall receive sufficient notice of the time and place of the informal hearing.
3. The student may question any witnesses present at the informal hearing.
4. The student may speak and produce witnesses who may speak at the informal hearing.
5. The school shall offer to hold the informal hearing within five (5) days of the suspension.

*In-School Suspension (exclusion from class).* No student may receive an in-school suspension without notice of the reasons for which s/he is suspended and an opportunity to be heard prior to the time the suspension becomes effective. The parent/guardian shall be informed of the suspension action taken by the school.

Should the in-school suspension exceed ten (10) consecutive school days, the student and parent/guardian shall be offered an informal hearing with the building principal. Such hearing shall take place prior to the eleventh day of the in-school suspension. The procedure shall be the same as the procedure for informal hearings held in connection with out-of-school suspensions.

The school shall provide for the student's education during the period of in-school suspension.

*Expulsion.* Expulsion is exclusion from school for a period exceeding ten (10) consecutive school days. Provident may permanently expel from the school rolls any student whose misconduct or disobedience warrants this sanction. No student shall be expelled without an opportunity for a formal hearing.

*Due Process - Expulsion Hearings*

A formal hearing shall be required in all expulsion actions. The formal hearing shall observe the following due process requirements

1. Notification of the charges in writing by certified mail to the student's parent/guardian.
2. At least three (3) days' notice of the time and place of the hearing, which notice shall include a copy of this policy, hearing procedures, and notice of the right to representation by legal counsel. A student may request the rescheduling of the hearing when s/he demonstrates good cause for an extension.
3. The hearing shall be private unless the student or parent/guardian requests a public hearing.
4. Representation by counsel at the parent's/guardian's expense and parent/guardian may attend the hearing.
5. Disclosure of the names of witnesses against the student and copies of their written statements or affidavits.
6. The right to request that witnesses against the student appear in person and answer questions or be cross-examined.
7. The right to testify and present witnesses on the student's behalf.
8. A written or audio record shall be kept of the hearing and a copy made available to the student at the student's expense, or at no charge if the student is indigent.
9. The hearing shall be held within fifteen (15) school days of the notice of charges, unless a delay is mutually agreed to by both parties or delay is necessary due to
  - a. The need for laboratory reports from law enforcement agencies.
  - b. The pendency of evaluations or other court or administrative proceedings based on a student invoking his/her rights under the Individuals with Disabilities Education Act (IDEA).
  - c. The condition or best interests of the victim in cases of juvenile or criminal court involving sexual assault or serious bodily injury.
10. Notice of a right to appeal the results of the hearing shall be provided to the student with the expulsion decision.

*Adjudication.* A written adjudication shall be issued after Provident has acted to expel a student. The adjudication may include additional conditions or sanctions.

*Attendance/School Work During Suspension and Before Expulsion.* Students serving an out-of-school suspension must make up missed exams and work and shall be permitted to complete assignments pursuant to established guidelines.

Students who are facing an expulsion hearing must be placed in their normal classes if the formal hearing is not held within the ten-school day suspension.

If it is not possible to hold the formal hearing within the first ten (10) school days, the school may exclude such a student from class for up to five (5) additional – fifteen (15) total – school days if, after an informal hearing, it is determined that the student's presence in his/her normal class would constitute a threat to the health, safety or welfare of others.

Any further exclusion prior to a formal hearing may be only by mutual agreement. Such

students shall be given alternative education, which may include home study.

*Attendance/School Work After Expulsion.* Students who are under seventeen (17) years of age are still subject to compulsory school attendance even though expelled and shall be provided an education.

The parent/guardian has the initial responsibility of providing the required education and shall, within thirty (30) days, submit written evidence to the school that the required education is being provided or that they are unable to do so. If the parent/guardian is unable to provide for the required education, the school shall, within ten (10) days of receipt of the parent's/guardian's notification, make provision for the student's education.

Provident may provide an educational program to the student immediately upon expulsion and may waive the 30-day period, at its discretion.

*Students With Disabilities.* A student with a disability shall be provided educational services as required by state and federal laws and regulations and Provident policies.

### **Administration.**

The Superintendent or his/her designee shall develop administrative regulations to implement this policy. The regulations will include

1. Publication of a Code of Conduct, in accordance with Provident policy on student discipline.
2. Procedures that ensure due process when a student is being deprived of the right to attend school.
3. Regulations regarding student records that require that records of disciplinary suspension be maintained in accordance with Provident policy on student records.
4. The name of a student who has been disciplined shall not become part of the agenda or minutes of a public meeting, nor part of any public record of the school. Such students may be designated by code.
5. Any student who has been expelled may apply for readmission to school upon such conditions as may be imposed by Provident.