policy

EMERGENCY REMOVAL, SUSPENSION, AND EXPULSION OF NONDISABLED STUDENTS

A student may be removed from the classroom, suspended or expelled for persistent disobedience or gross misconduct. If suspension or expulsion for persistent disobedience or gross misconduct is considered, the Board (Superintendent) shall consider the following factors:

A. the student's age

B. the student's disciplinary history

C. whether the student has a disability

D. the seriousness of the violation or behavior

E. whether the violation or behavior committed by the student threatened the safety of any student or staff member

F. whether restorative practices will be used to address the violation or behavior

G. whether a lesser intervention would properly address the violation or behavior

The Board (Superintendent) will exercise discretion over whether or not to suspend or expel a student for persistent disobedience or gross misconduct. In exercising that discretion for a suspension of more than ten (10) days or expulsion, there is a rebuttable presumption that a suspension or expulsion is not justified unless the Board (Superintendent) can demonstrate that it considered each of the factors listed above. For a suspension of ten (10) days or fewer, there is no rebuttable presumption, but the Board (Superintendent) will still consider the factors.

A student may not be expelled or excluded from the regular school program based on pregnancy status.

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In recognition of the negative impact on a student's education, the Board encourages the District's administrators to view suspensions, particularly those over ten (10) days, and permanent expulsions as discipline of last resort, except where these disciplines are required by law (Policy 5610.01). Alternatives to avoid or to improve undesirable behaviors should be explored when possible prior to implementing or requesting a suspension or expulsion.

If the District determines that it will utilize restorative practices in addition to or as an alternative to suspension or expulsion of a student, it will engage in restorative practices which emphasize repairing the harm to the victim and school community caused by the student's misconduct.

Restorative practices may include victim offender-conferences that:

A. are initiated by the victim;

B. are approved by the victim's parent or legal guardian or, if the victim is at least fifteen (15), by the victim;

C. are attended voluntarily by the victim, a victim advocate, the offender, members of the school community, and supporters of the victim and the offender (the "restorative practices team");

D. would provide an opportunity for the offender to accept responsibility for the harm caused to those affected, and to participate in setting consequences to repair the harm, such as requiring the student to apologize; participate in community service, restoration of emotional or material losses, or counseling; pay restitution; or any combination of these.

The selected consequences and time limits for their completion will be incorporated into an agreement to be signed by all participants.

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The Board of Education recognizes that exclusion from the educational programs of the District, whether by suspension or expulsion, is the most severe sanction that can be imposed on a student in this District and one that cannot be imposed without due process since exclusion deprives a child of the right to an education. The Board also recognizes that it may be necessary for a teacher to remove a student from class for conduct which is disruptive to the learning environment, and that such removals are not subject to a prior hearing, provided said removal is for a period of less than twenty-four (24) hours. However, if an emergency removal may result in a suspension, then due process must be ensured.

For purposes of this policy, "suspension" shall be either short-term (not more than ten (10) days) or long-term suspension (x) (for more than ten (10) days but less than permanent expulsion) of a student from a regular District program.

For purposes of this policy, unless otherwise defined in Federal and/or State law and Policy 5610.01, "expulsion" shall be the permanent exclusion of a student from the schools of this District. Students who are expelled permanently may petition for reinstatement under the provisions stipulated in Policy 5610.01.

The Superintendent may suspend a student for a period longer than ten (10) days or expel a student. The Board shall act on any appeal to the decision.

In all cases resulting in short-term suspension, long-term suspension, or expulsion, appropriate due process rights described in Policy 5611 must be observed. The Principal shall check to make sure the student is not classified as disabled under Section 504.

No student, otherwise eligible for attendance, shall be excluded from a District program unless that student has substantially interfered with the maintenance of good order and/or the educational environment, or unless it is necessary to protect that student's or other students' physical or emotional safety and well-being.

A student may be removed from a class, subject, or activity for one (1) day by his/her teacher for certain conduct as specified in the Code of Conduct, or the student may be given a short-term suspension by the Superintendent or the Principal. A student so removed will not be allowed to attend other classes taught by other teachers during the term of the one (1) day removal. A student removed from the same class for ten (10) days will receive a due process hearing for each suspension beyond ten (10) days, consistent with required due process for long-term

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suspensions. The Board designates the Superintendent as its representative at any hearings regarding the appeal of a suspension.

The Superintendent shall develop administrative guidelines to implement this policy which shall include:

> strategies for providing special assistance to students who are in danger of being expelled and are not achieving the academic outcomes of the District's core curriculum;
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> promulgation of standards of behavior to all students in accordance with Board policy on student discipline;
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> procedures that ensure due process;
>
> provision for make-up work at home, when appropriate.

M.C.L. 380.1301, 380.1309, 380.1310d, 380.1311
20 U.S.C. 3351
State Board of Education, Resolution to Address School Discipline Issues Impacting Student Outcomes, Adopted June 12, 2012

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Policy:

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