



## **SUSPENSION/EXPLUSION POLICY**

**Note:** Time periods are based on "school days" not "calendar days."

### **I. DEFINITIONS**

- A. "Notification" means notice to parents by a reasonable, reliable process, e.g. by mail, by notice in school newsletter, by student delivery, at school registration.
- B. "Timely hearing" means that a hearing will be scheduled no more than 5 school days following the suspension/expulsion. Allowance may be made by mutual agreement of the parties, inability of school to contact parent(s)/guardian(s) despite documented good faith efforts, or lack of cooperation by parent(s)/guardian(s).

### **II. SHORT-TERM SUSPENSION**

When a school administrator intends to suspend a student for less than 10 school days the following procedures will be followed:

- A. Student and parents will be notified immediately of the school's intent to suspend:
  - 1. If the school intends to suspend the student immediately, parents will be notified immediately.
  - 2. Students younger than 14 will never be released until and unless a parent or emergency contact is notified.
- B. A student should hear a brief explanation of reason(s) for suspension prior to suspension.
- C. A student will have the opportunity to tell his/her side of the story prior to suspension.
- D. The student/administrator or student/teacher conversation or meeting will be documented by the teacher/administrator in writing or on a permanent computer file.

### **III. LONG-TERM SUSPENSION**

When a student is suspended for more than 10 school days, The Ranches Academy policy shall provide for the following minimum standards:

- A. Notice of reasons for suspension to student and parents, will be in writing.
- B. Notice of opportunity for a timely hearing.
- C. If a parent requests a hearing, the parent shall have and receive notice of:
  - 1. Names of witnesses against him and opportunity to present witnesses (witnesses' names may be protected if school determines they would suffer physical/psychological harm; student cannot compel witnesses);
  - 2. Reasonable time to prepare the case;
  - 3. The opportunity for counsel, if school The Ranches Academy Board uses an attorney;
  - 4. The right to notice of procedures for the hearing in writing, in The Ranches Academy Family Handbook or on the school's website;
  - 5. The right to have the hearing recorded;
  - 6. A fair hearing officer (credible and objective person or panel – not necessarily uninformed);
- D. The decision must not be based solely on hearsay; rules of evidence do not control.
- E. The student has no official protection against self-incrimination; though if criminal charges are also pending, this may require consultation with local law enforcement.
- F. A decision must be made only on evidence presented at the hearing.
- G. Student/parent has the right to written findings.
- H. Decision is by a preponderance (>50%) of the evidence.
- I. Student should have at least one level of appeal.
- J. Student/parents must “exhaust administrative remedies” and participate and cooperate in one of these processes, prior to appealing a decision to District Court.

#### **IV. OTHER ISSUES**

- A. If a Ranches Academy administrator offers student/parent opportunity to explain or have a hearing, and student or parent refuses or waives the right, due process is satisfied.
- B. Make-up work – The Ranches Academy will allow make-up work for student absences during suspensions/expulsions or provide criteria under which make-up work is allowed.  
**Note:** The make-up assignments may not and need not be exactly what the student missed.
- C. School holidays, teacher workdays, school-wide activities or team assessments will not be used as excuses for delaying due process or for short-term suspensions resulting in long-term suspensions. If an administrator foresees delays, the school will use the more formal due process.
- D. The Ranches Academy will provide for administrators, rather than teachers, to make longer-term suspension decisions.
- E. Rule of thumb: The longer the suspension, the greater the process that is due.
- F. A short-term suspension that causes a student to miss significant work (e.g. midterms, finals, final reports) may necessitate greater due process.

#### **Case References:**

Goss v. Lopez, 419, U.S. 565 (1975)

When a student's right to an education is affected, due process requires some kind of notice and some kind of hearing – though procedures may be flexible.

Newsome v. Batavia Local School District, 842 F.2d 920 (6th Cir. 1988) and J.S. v. Bethlehem Area School District, 757 A.2d 412 (Commonwealth Court of Pennsylvania 2000)

#### **Student due process rights in a formal hearing.**

Keough v. Tate County Board of Education, 748 F.2d 1077 (5th Cir. 1984)

Rejects due process claim based on failure to receive names of witnesses where student and parents were fully advised of the charges, the underlying facts supporting the charges, the nature of the hearing and that they were entitled to counsel.

Atcitty v. San Juan County School Dist., 967 P.2d 1261 (Utah Ct. App. 1998)

Due process rights not violated where principal informed student of allegations against him and provided several opportunities to explain his side of the story, but student at direction of parent refused to respond.

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