

Student Discipline**

Discipline - Suspension - Expulsion

All students in our district deserve reasonable safeguards in the consideration of all matters affecting their school life. Careful attention must be given to procedures and methods whereby fairness and consistency in discipline shall be assured each student.

Special problems confront administrators and teachers in conducting schooling programs free from disruption and free from distracting behavior which impedes the learning of any student. District officials may find it necessary occasionally to discipline a student or even to remove the student from the formal learning environment for a period of time.

Teachers and administrators need discretionary powers in invoking disciplinary actions and procedures and in maintaining a climate conducive to learning and protection of life and property.

District disciplinary actions are civil not criminal matters. Districts must clarify rights and procedures that assure fair treatment for each student in a learning environment.

For discipline of a student with a disability, see Board policy JGDA/JGEA - Discipline of Students with Disabilities.

Rights

1. Fair treatment for students shall be such as to protect them from arbitrary and unreasonable decisions.
2. All decisions affecting students shall be based on the careful and reasoned investigation of these facts and the consistent application of rules and regulations.
3. All students shall be apprised of the district rules and procedures by which the district is governed and the processes by which discipline may be exercised.

Responsibilities

1. Students shall comply with the rules for school government, pursue the prescribed courses of study and submit to the lawful authority of teachers or district officials.

2. The following types of conduct shall make the student liable for discipline, suspension and/or expulsion:
- a. Disruption of school – Any conduct that substantially disrupts a district function or is likely to do so is forbidden;
 - b. Damage to or theft of district property – A student shall not cause or attempt to cause damage to district property or steal or attempt to steal district property;
 - c. Damage or theft of private property – A student shall not cause or attempt to cause damage to private property or steal or attempt to steal private property either on the district grounds or during a district activity, function or district event off district grounds;
 - d. Threats or assault to a district employee, another student or other person not employed by the district and possession of weapons and dangerous instruments – A student shall not intentionally do bodily injury to any person or threaten any person or knowingly possess, handle or transmit any object that can reasonably be considered a weapon:
 - (1) On the district grounds during and immediately before or immediately after school hours;
 - (2) On the district grounds at any other time when the school is being used by a school group;
 - (3) Off the district grounds at any district activity, function or event.
 - e. Narcotics, alcoholic beverages, tobacco and drugs – A student shall not knowingly possess, use, transmit or be under the influence of any narcotic drug, amphetamine, barbiturate, marijuana, alcoholic beverage or intoxicant of any kind:
 - (1) On the district grounds;
 - (2) Off the district grounds at a district activity, function or event.
- Drug violations by students either in possession, use or sale will be reported to proper law enforcement authorities for subsequent follow-up action on their part.
- Use of drugs authorized by a medical prescription from a registered physician shall not be considered a violation of this rule.
- f. Other violations – A student shall not repeatedly fail to comply with directions of teachers or other authorized district personnel during any period of time when that student is properly under the authority of the district. Students who do not respond to guidance or minor discipline or are consistently at odds with district discipline must accept the consequences of such action. Willful disobedience, open defiance of a teacher’s authority or the repeated use of profane or obscene language or gestures is also sufficient cause for discipline, suspension or expulsion from school.

Procedures

1. Definitions

- a. Summary Discipline – Discipline for a minor infraction which may be handled without going through all the steps of formal procedure.
- b. Out of-School-Suspension – Defined as one of the following:
 - (1) A temporary exclusion from school of a period not to exceed seven days;
 - (2) Exclusion in cases being investigated pending expulsion;
 - (3) After investigation and recommended expulsion by the administration until the Board has taken official action.

2. Suspension Procedures

- a. The student is informed of the charge, including the specific acts that support the charge and that he/she is suspended. On out-of-school suspensions a student may be sent home for no longer than a seven-day period.
- b. The parents are notified by telephone, whenever possible, of the suspension and the reasons for the action. When parents cannot be contacted, the student must remain at school during the normal school day or until the parents are contacted.
- c. A letter is mailed to the parents with a copy to the superintendent stating the time, date, the charge and the specific acts that support the charge for the suspension, with procedures to be followed by the student and his/her parent for reinstatement.
- d. The parent may request and be given a conference with the building principal.

3. Suspension (Emergency Conditions)

- a. These procedures may be postponed in emergency situations relating to health and safety. Emergency situations shall be limited to those instances where there is a serious risk that substantial harm will occur if the suspension does not take place immediately.
- b. The suspending official or designee shall provide students suspended under emergency conditions with the rights outlined in this rule as soon as the emergency condition has passed.

4. Board

In all suspensions ordered by the principal, the Board shall have the right of final review.

5. School Work

The principal or Board shall specify the conditions and methods, if any, under which the student's work can be made up.

6. Expulsion Procedures

- a. The Board or hearings officer shall not expel a student without a hearing unless the student and his/her parent waive in writing the right to a hearing. By waiving the right to a hearing, the

student and his/her parent agree to abide by the lawful findings of the hearing or review officer. Expulsion hearings shall contain provision for the following:

- (1) Notice to the student and the parent shall be given by personal service or certified mail of the charge or charges and the specific facts that support the charge or charges. The notice shall include a recommendation of expulsion. Where notice is given by a personal service, the person serving the notice shall file a return of service. When notice is given by certified mail to a parent of a suspended student, the notice shall be placed in the mail at least five days before the date of the hearing;
 - (2) The hearing shall be conducted by the Board or by a hearings officer designated by the Board;
 - (3) When the student or the parent cannot understand the spoken English language, an interpreter shall be provided by the district;
 - (4) The student may be represented by counsel or other persons;
 - (5) The student shall be permitted to introduce evidence by testimony, writings or other exhibits;
 - (6) The student shall be permitted to be present and hear the evidence presented by the district;
 - (7) If the hearing is conducted by a hearings officer, the hearings officer shall determine the facts of the case on the evidence presented at the hearing. The hearings officer shall submit to the Board findings as to the facts and whether or not the student charged is guilty of the conduct alleged and the officer's decision on disciplinary action, if any, including the duration of expulsion. This recommended decision shall be made available in identical form and at the same time to the Board, the student and the parent;
 - (8) Strict rules of evidence shall not apply to the proceedings. However, this provision shall not limit the hearings officer's control of the hearing;
 - (9) The hearings officer or the student may make a record of the hearing;
 - (10) The Board shall review the decision of the hearings officer and may affirm, modify or reverse the decision.
- b. Temporary expulsion to protect the health and safety of the student and others may be at the order of the district administrator after investigation of the facts and prior to completion of the above steps and actions by the Board.
- c. Expulsion of a student shall not extend beyond the current term or semester unless the semester ends within such a short period of time that the expulsion would be too short to be effective. However, the expulsion shall not extend beyond the second term or semester.
- d. Following expulsion of a student, the Board may propose alternative programs of instruction or counseling, or both, for the student.

Criteria for Readmission to School

1. The student will not be eligible to participate in district activities for the next nine weeks.
2. The student will keep grades at a satisfactory level.
3. The student will abide by district rules.

4. Students shall be allowed to make up school work upon their return from the suspension if that work reflects achievement over a greater period of time than the length of the suspension. For example, the student shall be allowed to make up final, midterm and unit examinations, without an academic penalty but it is within the districts' discretion as to whether the student may be allowed to make up daily assignments, laboratory experiments, class discussions or presentations.