Jerome Joint School District No. 261

STUDENTS **3340P**

Corrective Actions and Punishment
It is the intent of the Board to provide each student with those due process rights that are provided by law.

Suspension
In the event the proposed punishment of a student is to include denial of the right of school attendance from any single class or full schedule of classes for at least one (1) day, the following procedure shall be used:

1. Before suspension, the student shall be provided a conference during which the charges will be explained and the student will be given the opportunity to respond to the charges.

2. A pre-suspension conference is not required and the student can be immediately suspended when the student's presence poses a continuing danger to persons or property or an ongoing threat of disruption to the educational process. In such cases, the notice and conference shall follow as soon as practicable.

3. Any suspension shall be reported immediately to the student's parent or legal guardian. A written notice of suspension shall state the reasons for the suspension, including any school rule which was violated, and a notice to the parent or guardian of the right to a review of the suspension. A copy of the notice shall be sent to the Superintendent.

4. Upon request of the parent or legal guardian, a review of the suspension shall be conducted by the Superintendent. At the review, the student and parent or legal guardian may appear and discuss the suspension with the Superintendent. After the meeting, the Superintendent shall take such action as appropriate. That action is final

5. Students who are absent as a result of an out-of-school suspension, or their parent/guardian, may request that work missed during the period of suspension can be completed by the student for consideration for the student grade.

6. The suspension of a student may be extended by the Superintendent and/or the Board in accordance with State law. Written notice of the extension of a suspended student will be provided to the student's parent/legal guardian.

Expulsion
A student may be expelled from school only by the Board, and only after the following due process procedures have been followed:

1. The Jerome School District utilizes a Hearing Officer procedure for expulsions. The Hearing Officer is authorized by the board of trustees to conduct initial expulsion hearings and then make recommendation for final disposition to the board. The student and parent or legal guardian shall be provided written notice of the discipline hearing to consider the recommendation for expulsion, by registered or certified mail at least three (3) school days before the date scheduled for the hearing. The notice shall include the grounds for the proposed expulsion, the time and place of the hearing, information describing the process to be used to conduct the hearing, including the rights of the student to be represented by counsel, to produce witnesses and submit documentary evidence and the right to cross-examine adult witnesses who testify against the student.

2. Within the limitation that the hearing must be conducted during the period of suspension, an expulsion hearing may be rescheduled by the parent or legal guardian by submitting a request showing good cause

to the Superintendent at least two (2) school days prior to the date of the hearing as originally scheduled. The Superintendent shall determine if the request shows good cause.

3. At the hearing, the student may be represented by counsel, present witnesses and other evidence, and cross-examine adult witnesses. Formal rules of evidence are not binding on the Board.

4. To afford the student ~~pupil~~ privacy, the Board must take action on expulsion in executive session. The student shall not be named in the minutes of the meeting, but a record of the decision will be placed in the student's educational record and in the official records of the Board.

Procedures for Students with Disabilities

Students with disabilities are entitled to all of the due process rights set forth above. In addition, the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973 (Section 504) provide additional discipline procedures to a student with disabilities. The District shall comply with the provisions of the IDEA and Section 504 when disciplining students with disabilities.

Suspension of Students with Disabilities

The District may suspend a student with disabilities for up to ten cumulative or consecutive school days in a school year for violation of the code of student conduct and educational services may cease to the same extent educational services cease for students without disabilities. Cumulative suspensions, if over ten school days in a school year, must not constitute a significant change in placement.

A significant change in placement occurs when a student with a disability is removed for more than ten consecutive school days or is subjected to a series of suspensions or removals that
constitute a pattern of exclusion because they are more than ten school days in a school year, and because the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another indicate a pattern of exclusion.

For a student with an Individualized Education Program (IEP) who is suspended for more than ten cumulative school days in a school year and a change in placement does not occur, educational services shall be provided to the extent necessary to enable the student to appropriately progress in the general education curriculum and appropriately advance toward achieving the goals set out in the IEP, although in another setting, as determined by school personnel, in consultation with at least one of the student's teachers.

Expulsion of Students with Disabilities

A student with and IEP or 504 plan may not be expelled if the student's violation of the student code of conduct is a manifestation of the student's disability. Any student with an IEP or 504 plan whose violation of the code of conduct is not a manifestation of the student's disability may be expelled pursuant to expulsion procedures to the same extent a nondisabled student would be expelled for the same violation.

If a student on an IEP is expelled for conduct not a manifestation of the student's disability the student shall continue to receive education services at an alternative setting, consisting of services necessary to enable the student to appropriately progress in the general education curriculum and appropriately advance toward achieving the goals set out in the student's IEP during the period of expulsion. Additionally, the student must receive, as appropriate, a functional behavioral assessment (FBA) and behavior intervention services and modifications designed to address the behavior violation so that it does not recur.

If a student with a 504 plan is expelled for conduct not a manifestation of the student's disability, educational services may cease during the period of expulsion to the same extent educational services cease for students without disabilities.

Additional Provisions

A student on an IEP who has carried a weapon to school or to a school function, or who knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance while at school or a school function may be removed from the student's current placement. Such a student may be placed in an appropriate interim alternative educational setting for no more than 45 school days in accordance with the IDEA.

A student who is not on an IEP and who has violated the code of student conduct may assert any of the protections provided by the IDEA if it is determined the District had knowledge that the student was a child with a disability before the behavior the precipitated the disciplinary action occurred. The District had knowledge if:

1. The parent expressed concern in writing to supervisory or administrative personnel, or to the student's teacher, that the student is in need of special education and related services; or
2. The parent requested an evaluation; or
3. The student's teacher, or other District personnel expressed specific concerns about a pattern of behavior by the student directly to the director of special education or other supervisory personnel.

Presence on School District Property

Any student who is suspended or expelled from school ~~may~~ will be denied entrance to any or all school~~houses~~ buildings and school grounds.

Cross Reference:	1205	School Board Powers and Duties
	6100P	Board / Superintendent Relations
Legal Reference:	I.C. § 33-512 (11)	Governance of Schools.

Policy History:

Adopted on:	04/25/2009
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