

(School District or ISD)
SUSPENSION, EXPULSION, REMOVAL OF NON-DISABLED STUDENTS
(Policy/Guidelines – SAMPLE)

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 student 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, the following definitions shall apply:

Non-disabled student is one whose program is not governed by an I.E.P

Short-term suspension shall be suspension for no more than ten (10) days

Long-term suspension shall be suspension for a definite period of time beyond ten (10) days but less than permanent expulsion

Expulsion shall be permanent exclusion of a student from the schools of this District

Suspension shall not include removal of a student from District activities for a period of less than twenty-four (24) hours

Suspension may take place within as well as outside the District facilities.

For purposes of this policy, unless otherwise defined in Federal and/or State law and District policy on permanent expulsion, "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 District policy.

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 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 she/he may be given a short-term suspension by the Superintendent or (Other Designated Person). A student so removed will 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 suspension. The Board designates the Superintendent as its representative at any hearings regarding the appeal of a suspension.

The Superintendent may recommend to the Board a long-term suspension or that a student be expelled.

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

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

- A. promulgation of standards of behavior to all students in accordance with Board policy on student discipline;
- B. procedures that ensure due process;
- C. provision for the notification of the constituent local district or other appropriate agencies;
- D. provision for make-up of course work and for course credit during any appeal process;
- E. provision that any student who brings a firearm to school is to be expelled for at least one (1) year unless the Superintendent reduces the punishment for reasons justified by the particular circumstances of the incident. The Superintendent shall ensure that a copy of this policy is sent to the State Department of Education as well as a description of the circumstances surrounding any expulsions for the above-stated firearms offense together with the name of the school, the number of students so expelled, and the types of weapons that were brought on District property.

PERMANENT EXPULSION

The Board of Education is continually concerned about the safety and welfare of District students and staff and, therefore, will not tolerate behavior that creates an unsafe environment or a threat to safety.

In compliance with State and Federal law, the Board shall expel any student who possesses a dangerous weapon in a weapon-free school zone or commits either arson or criminal sexual conduct in a District building or on District property, including school buses and other school transportation.

For purposes of this policy, a dangerous weapon is defined as "a firearm, dagger, dirk, stiletto, knife with a blade over three (3) inches in length, pocket knife opened by a mechanical device, iron bar, or brass knuckles or other devices designed to or likely to inflict bodily harm, including, but not limited to, air guns and explosive devices. The term "firearm" is defined as: a) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of the explosive; b) the frame or receiver of any such weapon; c) any firearm muffler or firearm silencer; or d) any destructive device. Such term does not include an antique firearm.

The Board need not expel for possession of a dangerous weapon if the student can establish to the satisfaction of the Board that:

- A. the object or instrument was not possessed for use as a weapon, or for direct or indirect delivery to another person for use as a weapon;
- B. the weapon was not knowingly possessed;
- C. the student did not know or have reason to know that the object or instrument possessed constituted a dangerous weapon;
- D. the weapon was possessed at the suggestion, request, or direction of, or with the express permission of a District administrator or the police.

The above exceptions will not apply to student misconduct involving sexual conduct or arson.

The Board shall permanently expel a student in grade six or above if that student commits physical assault at school against a District employee, volunteer, or contractor. Physical assault is defined as "intentionally causing or attempting to cause physical harm to another through force or violence."

The Board shall suspend or expel a student in grade six or above for up to 180 school days if the student commits physical assault at school against another student. The Board shall suspend or expel a student in grade six or above for a period of time as determined at the Board's discretion if the student commits verbal assault at school against a District employee, volunteer, or contractor or makes a bomb threat or similar threat directed at a school building, property, or a school-related activity. Verbal assault is a communicated intent to inflict physical or other harm on another person, with a present intent and ability to act on the threat.

The student may be enrolled, in lieu of expulsion, in the District's Alternative Education Program upon the Superintendent's recommendation. Students enrolled in a program operated for expelled students shall be physically separated at all times during the school day from the general student population.

The District may provide appropriate instructional services at home for an expelled student who is not placed in an Alternative Education Program. The type of instructional services provided shall be similar to that provided to homebound or hospitalized students and shall be contracted for in the same manner.

Disabled students under IDEA or Section 504 shall be expelled only in accordance with Board policy and Federal due process rights appropriate to these students.

The Superintendent shall ensure that the expulsion is duly noted in the student's record and that the student has been referred to the Family Independence Agency or Mental Health Department within three (3) school days after the expulsion and the parents have been informed of the referral. Furthermore, the Superintendent shall ensure that, if a student who is expelled is below the age of sixteen (16), then notification of the expulsion shall be given to the Juvenile Division of the Probate Court. In compliance with Federal law, the Superintendent shall also refer any student, regardless of age, expelled for possession of a dangerous weapon to the criminal justice or juvenile delinquency system serving the District. In addition, the Superintendent shall ensure that a copy of related policies are sent to the State Department of Education as well as a description of the circumstances surrounding the expulsion of a student for possessing a weapon in a weapon-free school zone together with the name of the school, the number of students so expelled, and the types of weapons that were brought into the weapon-free school zone and other reasons listed in District policies.

A student who has been expelled under this policy may apply for reinstatement in accordance with the following guidelines:

A. If the student is in grade 5 or below at the time of the expulsion and was expelled for possessing a firearm or threatening another person with a dangerous weapon, the parents, legal guardian, the adult student, or the emancipated minor may submit a request for reinstatement after sixty (60) school days from the date of expulsion, but the student may not be reinstated before ninety (90) school days from the expulsion date.

B. If the student is in grade 5 or below at the time of the expulsion and was expelled for a reason other than possessing a firearm or threatening another person with a dangerous weapon, the parents, legal guardian, the adult student, or the emancipated minor may submit a request for reinstatement at any time, but the student may not be reinstated before ten (10) school days from the expulsion date.

C. If the student is in grade 6 or above at the time of the expulsion, the parents, legal guardian, the adult student, or the emancipated minor may submit a request for reinstatement after 150 school days from the date of the expulsion, but the student may not be reinstated before 180 school days from the expulsion date.

D. The parent, adult student, or emancipated minor shall submit the request for reinstatement to the Superintendent on the "Petition for School Reinstatement" form (see attached).

E. The Superintendent shall, within ten (10) school days after receiving the form, submit the request, together with any other information she/he deems pertinent to the requested reinstatement, to a Board-appointed committee consisting of two (2) Board members, a District administrator, a teacher, and a parent of a District student.

F. The committee shall, within ten (10) school days after being appointed, review all pertinent information, and submit its recommendation to the Board. The recommendation may be for unconditional reinstatement, conditional reinstatement, or non-reinstatement, based on the committee's consideration of:

1. the extent to which reinstatement would create a risk of harm to students or school personnel;
2. the extent to which reinstatement would create a risk of District or individual liability for the Board or District personnel;
3. the age and maturity of the student;

4. the student's school record before the expulsion incident;
5. the student's attitude concerning the expulsion incident;
6. the student's behavior since the expulsion and the prospects for remediation;
7. if the request was filed by a parent, the degree of cooperation and support the parent has provided and will provide if the student is reinstated, including, but not limited to the parent's receptiveness toward possible conditions placed on the reinstatement. Such conditions may, as an example, include a written agreement by the student and/or a parent who filed the reinstatement request to:
 - a. abide by a behavior contract which may involve the student, his/her parents, and an outside agency;
 - b. participate in an anger management program or other counseling activities;
 - c. cooperate in processing and discussing periodic progress reviews;
 - d. meet other conditions deemed appropriate by the committee;
 - e. accept the consequences for not fulfilling the agreed-upon conditions.

The committee may also allow the parent, adult student, or emancipated minor to propose conditions as part of the request for reinstatement.

The Board shall make its decision no later than the next regular Board meeting following the committee's submission of its recommendations. The Board's decision shall be final and not subject to appeal.

In the event a student who has been permanently expelled from another school district requests admission to this District, the Board shall, in making its decision, and may rely upon the recommendation of the Superintendent.

The Superintendent shall ensure that Board policies and District guidelines regarding a student's rights to due process are adhered to when dealing with a possible expulsion under this policy.

STUDENTS SUBJECT TO EXPULSION BUT NOT IDENTIFIED AS ELIGIBLE FOR SPECIAL EDUCATION

School requests expulsion
 Student claims disability (not previously identified)
 and that school had knowledge
 School deemed to have knowledge if:

- A. parent has expressed concern in writing (unless the parent is illiterate in English or has disability that prevents a written statement) to school personnel that student is in need of special education and related services; or
 - B. behavior/performance of student demonstrates need for services; or
 - C. parent/student has requested an evaluation; or
 - D. student's teacher or other school personnel has expressed concern to director of special education or other personnel regarding student's behavior/performance.
- School must evaluate and hold I.E.P.C. prior to proceeding with expulsion
 If request for evaluation is made during expulsion period
 Expedited evaluation is performed while student stays in educational placement determined by school authorities

IN-SCHOOL RESTRICTION, AFTER-SCHOOL DETENTION, OR SATURDAY DETENTION

Dear Parent:

Your child, _____, has been referred to the _____ office due to the following behavior/misconduct:

As a result of this misconduct, she/he must serve _____ days in: _____ Makeup Detention(s)
_____ Penalty Detention(s)

_____ **BEFORE-SCHOOL DETENTION**, _____, _____ to _____
(Location) (Time)

_____ **AFTER-SCHOOL DETENTION**, _____, _____ to _____
(Location) (Time)

The student must bring his/her own course work and related reading material to study.

_____ **SATURDAY DETENTION**, _____, _____ to _____
(Location) (Time)

The student must bring his/her own course work and related reading material to study.

_____ **IN-SCHOOL RESTRICTION**, _____, _____ to _____
(Location) (Time)

This discipline will be served under supervision beginning _____ through _____.

We recommend you speak with your child to add your voice to ours in an attempt to prevent any further offenses which might require stronger action.

Please contact me should any questions or concerns arise. Thank you for your cooperation.

(Principal) Date

I agree to assume all responsibility for the transportation of my child(ren) to and from school for a before-school, after-school, or Saturday detention.

Parent's Signature Date

NOTICE OF INTENT TO SUSPEND

Student's Name: _____ Date: _____

Name of Parent or Guardian

Address

Dear _____:

You are hereby advised that it is my intent to suspend you. The reason(s) for the suspension is (are) as follows:

If you are suspended, it will be for _____ school days, commencing _____ and ending on _____. In the event school is closed for any reason during this period, you are not to return to school until the _____ days have been served. From the time you are suspended, you are not to be on school property for any reason or attend any school-related activity or event. This is your informal hearing to challenge the reason(s) for the suspension or otherwise explain your actions.

Date

School Administrator

I hereby acknowledge receipt of this notice of intended suspension and have had the opportunity to explain what did or did not happen.

Date

Student

NOTICE OF SUSPENSION

Student's Name: _____ Date: _____

Name of Parent or Guardian

Address

Dear _____:

You are hereby advised that _____ has been suspended pursuant to Board policy. The reason(s) for the suspension is (are) as follows:

You have the right to appeal this decision to the _____, to be granted a hearing before the _____ in order to be heard against the suspension and to be represented in the appeal proceeding by a representative of your choosing. Please contact the _____ by letter at your earliest convenience if you intend to pursue an appeal, so that a hearing time and place can be scheduled. You have two (2) school days from the receipt of this notice in which to file an appeal. (See Item B below)

Students placed on a suspension are not permitted involvement in or attendance at extra-curricular activities and will receive an unapproved absence for suspended days.

The suspension information details follow:

- A. Out of school suspension for _____ day(s) to include _____. Your child is not permitted on school grounds or at school functions during this time period. Parents will assume total responsibility for the conduct and behavior of their child during this period of suspension.

- B. Your child will be allowed to make up the missed school work providing the assignments are completed by the time she/he returns to school from the suspension.
 Your child will not be allowed to make up missed school work.
 Your child will receive credit for work that is completed properly.
 Your child will not receive credit for the completed work.

- C. Parent Appeal Conference

Date Requested _____ Time _____

If you have any questions regarding the above, please feel free to contact me.

Principal

NOTICE OF INTENDED BUS SUSPENSION

Student's Name: _____ Date: _____ Time: _____

This notice is to inform you that you may be suspended from bus transportation to and from school. The reason(s) you may be suspended from bus privileges are:

You allegedly _____

You have the right to an informal hearing regarding this matter, to ask questions, and to explain your side of what happened.

(Signature of Administrator)

I received a copy of this notice of intended bus suspension.

(Signature of Student)

For eighteen (18) year old students only:

I hereby consent to your release of this notice to my parent, guardian, or custodian.

(Signature of Student)

NOTICE OF BUS SUSPENSION

Student's Name: _____ Date: _____

Name of Parent or Guardian

Address

Dear _____:

You are hereby advised that _____ has been suspended from riding the bus. The reason(s) for the bus suspension is (are) as follows:

If you wish to appeal this suspension, please complete Item B below.

The bus suspension information details follow:

- A. Bus suspension for _____ day(s), effective _____. Bus privileges will resume on _____.

- B. Parent Appeal Conference
Date Requested _____ Time _____

If you have any questions regarding the above, please feel free to contact me.

Principal

NOTICE OF EXPULSION

Student's Name: _____ Date: _____

Name of Parent or Guardian

Address

Dear _____:

You are hereby advised that _____ has been expelled from school for the period from _____ to _____. The reason(s) for this decision is:

You have the right to appeal this decision to the Board of Education, to be granted a hearing before the Board in order to be heard against the expulsion, to be represented in the appeal proceeding by a representative of your choosing, and to request that the hearing be held in executive session. Your request for appeal must be made to the Board within five (5) school day(s) from the mailing date of this notice. You should inform the Board of those who will be present at the hearing, including the name of any representative(s) you may choose to bring.

The offense of which you are guilty also subjects you to the possibility of permanent exclusion from Michigan schools.

If you have any questions regarding the above, please feel free to contact me.

Superintendent

SAFE SCHOOLS

This Petition for Reinstatement was developed by the Michigan Department of Education pursuant to the Revised School Code, MCL 380.1311(7) and MCL 380.1311a(7).

PETITION FOR SCHOOL REINSTATEMENT

DATE: _____

TO: Board of Education of _____
[Insert Name and Address of School District]

FROM: _____, **Petitioner**
[Insert Name of Petitioner]

1. Status of Petitioner:

- Parent(s) or Legal Guardian(s) of the Expelled Individual.
- Expelled Individual (eighteen (18) Years of Age or Older).
- Expelled Individual (as an Emancipated Minor). A copy of the court order of emancipation must be attached.

2. This Petition for Reinstatement is made on behalf of:

Name: _____ Age: _____ Telephone #: _____

Address: _____

3. Parent(s) or Legal Guardian(s) of the Expelled Individual (Include names, addresses, and telephone numbers of both parents/legal guardians, if appropriate):

- Parent(s)
- Legal Guardian(s)

Name(s): _____ Telephone #: _____

Address: _____

- Parent(s)
- Legal Guardian(s)

Name(s): _____ Telephone #: _____

Address: _____

4. Date of expulsion: _____

5. Grade Level of Expelled Individual: _____

6. **Expelling School District:** _____
 [Insert Name of Expelling School District]

_____ **Telephone:** _____
 [Insert address and telephone number if the above petitioned school district is not the expelling school district.]

7. **Briefly describe the incident that caused the expulsion:**

8. **Has the expelled individual received assistance from a state or county social services agency?**
 Yes No Refuse to Answer*

If yes, attach all written documentation prepared by the agency regarding assistance the individual received from the date of expulsion to the date of this Petition.*
 Refuse to Provide Documentation*

9. **Has the expelled individual received assistance from a state or county community mental health agency?**
 Yes No Refuse to Answer*

If yes, attach all written documentation prepared by the agency regarding assistance the individual received from the date of expulsion to the date of this Petition.*
 Refuse to Provide Documentation*

10. **Has the expelled individual received assistance from a private mental health professional from the date of expulsion to the date of this Petition?**
 Yes No Refuse to Answer*

If yes, attach a detailed report from the mental health professional setting forth any findings, including results of all tests and examinations performed, diagnosis, conclusions, and treatments provided from the date of expulsion to the date of this Petition.
 Refuse to Provide Documentation*

11. **Was any criminal or juvenile court action initiated against the expelled individual as a result of the incident that caused the expulsion?** Yes No

Date	Charge	Case No.	Court, Address and Telephone #	Status of Case

12. **Was the expelled individual convicted as:** an adult. or adjudicated as a juvenile offender as a result of the incident that cause the expulsion? Yes No
(If yes, attach a copy of the judgment of sentence or order of disposition, and information regarding their probation officer.)

Probation officer: Name and Title: _____

Address: _____ Telephone # _____

13. **Other than the incident that caused the expulsion, was the expelled individual charged or convicted of any criminal offense in any court in the United States since the expulsion date?** Yes No

Date	Charge	Court, Address and Telephone #	Status of Case

14. **Describe the expelled individual's attitude concerning the incident that caused the expulsion.**

15. a. **Describe the expelled individual's behavior since the expulsion.**

- b. **List aspects of the expelled individual's prior school record that the Board should take into consideration.**

16. **What is the likelihood the expelled individual will be successful if reinstated to public education in the school district?**

17. **Attach three letters of reference from persons who are not related to the expelled individual.**

NOTIFICATION OF EMERGENCY REMOVAL

NAME OF STUDENT: _____

GRADE: _____

TIME: _____ DATE: _____

REASON FOR THE REMOVAL:

METHOD OF REMOVAL:

TO WHOM WAS CUSTODY GIVEN:

Signature