

## SUSPENSION

(*new policy*) **HB 1413**

**JDD**

When unacceptable behavior cannot be corrected by the resources of the teacher or school administration, the board hereby authorizes the school principal or his designee to suspend any student for violation of any published rule or regulation or for any other act of misconduct or insubordination as a final effort to influence the student's future behavior.

## DEFINITIONS

"Suspension" is the denial of the privilege of attending school in the district imposed after due process upon any student of the district at the direction of the principal of the school in which the student is enrolled. A suspended student may return to school following the expiration of the suspension period without application for readmission but may be required to be accompanied, on return to school, by a parent, legal guardian or custodian.

A "suspension" includes the denial of the privilege of participating in or attending any school-related activity for the period of the suspension. Further, suspended students shall not trespass upon any other school campus or enter into any other school building except for a pre-arranged conference with a principal.

## AUTHORITY TO SUSPEND

As provided by statute, the superintendent has the power, authority and duty to delegate student disciplinary matters to appropriate school personnel. ' 37-9-14 (r)

The superintendent and principal of a school shall have the power to suspend or expel a pupil for good cause, including misconduct in the school or on school property, as defined in Section 37-11-29, on the road to and from school, or at any school-related activity or event, in the determination of the superintendent or principal, renders that pupil's presence in the classroom a disruption to the educational environment of the school or a detriment to the best interest and welfare of the pupils and teacher of such class as a whole, or for any reason for which such pupil might be suspended, dismissed, or expelled by the school board under state or federal law or any rule, regulation or policy of the local school district.

For any suspension of more than ten (10) days or expulsions, a student shall have the right to a due process hearing, be represented by legal counsel, to present evidence and cross-examine witnesses presented by the district. The student and the student's parent, legal guardian or person in custody of the student may appeal suspension of more than ten (10) days and expulsions to the school board. The standard of proof in all disciplinary proceedings shall be substantial evidence. The parent or guardian of the child shall be advised of this right to a hearing by the appropriate superintendent or principal and the proper form shall be provided for requesting such a hearing. 37-9-71

## BOARD AUTHORITY

As provided by statute, this school board has the power, authority and duty:

1. To suspend or to expel a pupil or to change the placement of a pupil to the school district's alternative school or home-bound program for misconduct in the school or on school property, as defined in Section 37-11-29, on the road to and from school, or at any school-related activity or event, or for conduct occurring on property other than school property or other than at a school-related activity or event when such conduct by a pupil, in the determination of the school superintendent or principal, renders that pupil's presence in the classroom a disruption to the educational environment of the school or a detriment to the best interest and welfare of the pupils and teacher of such class as a whole, and to delegate such authority to the appropriate officials of the school district. ' 37-7-301 (e)
2. To support, within reasonable limits, the superintendent, principal and teachers where necessary for the proper discipline of the school. ' 37-7-301 (g)

## NOTICE

The student handbooks shall include specific grounds for disciplinary action and procedures to be followed for acts requiring discipline. Students and legal guardians shall be required to provide the school with a written statement verifying that they have received notice of the discipline plan, in accordance with Policy JDA. In all cases of suspension the parent, legal guardian, or custodian shall be notified in writing within 24 hours of such suspension giving the reason therefor. If a student is to be sent home during normal school hours, a parent or guardian shall be notified before the student is dismissed. No student shall be sent home during normal school hours unless a parent, guardian, or custodian has first been notified.

## DUE PROCESS

All suspensions shall be handled in accordance with the procedures in the student handbook.

## SPECIAL EDUCATION STUDENTS

As provided under '37-23-135, Educational services for children with disabilities who have been suspended or expelled from school shall be provided based on the requirements of IDEA, applicable federal regulations and state regulations.

## REPORTS

The superintendent, or his designee, shall report any student suspensions or student expulsions to the school attendance officer when they occur. ' 37-13-91 (6)

Principals shall make a written report of each suspension to the superintendent each grading period to include:

1. Name of student, address; name of parent or guardian.
2. Statement of the reasons for the suspension including the date, time and place.

## RETURN TO SCHOOL

A student on suspension for 3 or more days must return to school accompanied by a parent, legal guardian or custodian before he will be readmitted to school.

NOTE: According to a 1998 Attorney General Opinion, automatic fail provision of an absences policy may not apply against legal, excused absences. Such absences policies may not be applied against absences resulting from disciplinary suspensions if absences policies are applied to truant children who are otherwise passing, the district must afford the child procedural due process. (Attorney General Opinion, *Carter*, 1-9-98) (#183) (97-0817)

LEGAL REF.: MS CODE ' 37-7-301 (e) and (g) (1994); ' 37-13-91 (6) (1995);  
*Goss v. Lopez*, 419 U.S. 565 (1975)

CROSS REF.: Policies JCAA Due Process  
JDA Discipline Plan  
JDE Expulsion

Adopted:

STARKVILLE OKTIBBEHA CONSOLIDATED SCHOOL DISTRICT