

SUSPENSION PROCESS AND PROCEDURES
FOR
FRANKLIN PHONETIC PRIMARY SCHOOL

I. Due Process Procedures

A. Emergency Suspension - Due Process Procedures

An emergency suspension occurs when a student is removed from school without prior use of due process procedures. An emergency suspension is allowed if the student's continued presence in school poses a danger to person or property or an ongoing threat of disruption to the academic process. The due process procedures for a short term suspension should be provided to the student as soon as practicable following the student's removal from school pursuant to an emergency suspension. The student's parent(s) should be notified of the suspension as soon as reasonably possible.

B. Temporary Exclusion from Class - Due Process

If a student's conduct in class disrupts the educational process or if the student persists in willful misconduct, a teacher may exclude the student from class for the remainder of the class session that day. In such cases, the teacher shall direct that student to report immediately to a designated location supervised by the classroom teacher, or the principal or other school administrator responsible for student discipline. The teacher shall inform the student of the reason or reasons why the student is being excluded from class, and, if practicable and if requested by the student, the teacher shall allow the student to explain his or her version of the events to the teacher.

C. Short Term Suspension - Due Process

A short term suspension is a suspension for a period of time less than or equal to ten (10) school days. Before a short term suspension is imposed, a school administrator authorized to suspend a student from school shall inform the student of the alleged misconduct and describe generally the evidence known at that time to support the allegations of misconduct. This notice may be given to the student orally or in writing. The administrator shall invite the student to discuss the student's version of the situation with the administrator in order that the student has an opportunity to dispute the allegations of misconduct. The administrator shall then determine if a short term suspension should be imposed and shall inform the student of his or her decision. If the student is suspended, the student's parent(s) shall be notified of the suspension by telephone or personal contact as soon as reasonably possible. In addition, the administrator will mail or deliver written notice of short term suspension to the parent or guardian within twenty-four (24) hours.

Special procedures for short term suspension of a handicapped student are contained in Paragraph IV (B) below.

D. Long Term Suspension - Due Process

1. Definition of Long Term Suspension

A long term suspension is a suspension that exceeds ten (10) school days in duration and may extend through the balance of the school year. If a long term suspension is imposed in the second semester of the school year, the long term suspension may extend through the first semester of the following school year.

parent(s) or guardian(s) within two (2) school days after the hearing. A copy of the written decision shall be delivered or mailed to the Board President. If the decision is to impose a long term suspension, the written decision shall:

- a. name the student;
- b. describe the behavior(s) that resulted in the long term suspension;
- c. state the beginning and ending dates of the suspension and the restrictions on the student's presence on campus and at school activities; and
- d. inform the student that an appeal is available pursuant to Paragraph I(D) (6) of this Policy, if a hearing officer made the decision. There is no appeal if the Franklin Phonetic School Board itself held the hearing.

6. Administrative Appeal of Long Term Suspension

A long term suspension decision made by an individual hearing officer may be appealed to the Board President. The purpose of this appeal is to provide assurance that there was substantial compliance with this Policy and that due process was provided to the student. To appeal, the student or student's parent(s) or guardian(s) must deliver a letter to the Board President within five (5) school days of receiving written notice of the long term suspension. The letter must describe in detail any objections to the hearing or the decision rendered at the hearing. If the Board President determines that the student was not afforded his or her due process rights or that this Policy was not followed in all substantial respects, the student shall be given another hearing. If the student is not satisfied with the decision of the Board President to uphold the decision for long term suspension then the student or student's parent(s) or guardian(s) must deliver a written letter to the Franklin Phonetic School Board in care of the Board President within five (5) school days of receiving written notification of the long term suspension approved by the Board President. In all other cases involving a long term suspension, this appeal procedure must be used before the student objects in any other forms to the discipline imposed. Appeal must be made directly to the Franklin Phonetic School Board, in writing within five (5) days of receiving written notification.

E. Expulsion - Due Process

1. Definition of Expulsion - Authority to Expel

Expulsion is the permanent withdrawal of the privilege of attending school in this district unless the Franklin Phonetic School Board reinstates that privilege. The authority to expel a student rests exclusively with the Franklin Phonetic School Board.

2. Expulsion of Handicapped Students

Special Procedures for expulsion of Handicapped students are contained in Paragraph IV (c) below.

3. Notification to Governing Board - Initial Executive Session to Determine Whether to Appoint a Hearing Officer and Whether to Hold an Executive Session.

If more than one pupil is subject to expulsion and disagreement exists between the parents of different pupils, then separate hearings shall be held subject to the provisions of this section.

5. The Hearing

The hearing shall be held at the time and place stated in the notice unless all interested parties agree otherwise.

6. Hearing Conducted by Franklin Phonetic School Board - Decision Concerning Expulsion

The Franklin Phonetic Board shall preside at the expulsion hearing unless one or more hearing officers have been designated. The Board or hearing officer(s) shall render its decision either at the conclusion of the hearing or no more than three (3) working days thereafter. If there is a hearing officer or hearing officers, then the Board shall hold a hearing to either uphold or modify the hearing officers recommendation. The student or his parent(s)/guardian(s), have the right to appeal the hearing officers decision to the Board. The decision of the Board of Education is final.

7. Notice of Decision of Expel

If the Franklin Phonetic School Board decision is to expel the student, the Board President shall notify the student's parent(s), guardian(s) or the emancipated pupil of the Franklin Phonetic School Board decision. The written notice shall:

- a. name the student
- b. describe the behavior that resulted in the expulsion;
- c. inform the student that he or she has been expelled; and
- d. inform the student that he or she may apply for re-admission after one calendar year, and that re-admission is at the discretion of the Franklin Phonetic School Board.

8. Application for Reentry Following Expulsion

After the lapse of one (1) calendar year, a student who has been expelled may appeal for reentry to school by making written application to the Franklin Phonetic School Board through the Board President. The student's application for re-admittance shall contain information indicating resolution of the problems that resulted in the expulsion. It is the prerogative of the Franklin Phonetic School Board to grant or deny re-admittance or to stipulate appropriate conditions for re-admittance. The Franklin Phonetic School Board in its discretion, may hold a hearing on any application for re-admittance to school.

Technical errors made in the application of this Policy that do not prejudice the student shall not be grounds for invalidating discipline that has been imposed.

G. Defense of Self, Others and Property

A student, teacher, or other School employee shall not be disciplined for threatening or using physical force against another when and to the extent a reasonable person would believe such force is necessary to protect that person or a third person against another person's use or attempted use of unlawful or otherwise inappropriate physical force. Verbal provocation alone does not justify the use of physical force.

A student, teacher, or other school employee shall not be disciplined for threatening or using reasonable physical force against another when and to the extent a reasonable person would believe it necessary to prevent theft or criminal damage to property.

H. Civil Liability for Damage to School Property

The parent(s) of a student are legally responsible for damage to school property caused by that student. Both the parent(s) and the student may be required to pay for repair or replacement of damaged property through appropriate civil process. The student may also face suspension, expulsion or other discipline.

I. Search and Seizure

Students who are on school premises or at school sponsored events, or who are traveling to or from school, or school sponsored events, or when the student's conduct affects the operation of the school, shall be subject to the search and seizure of items pursuant to this Policy.

IV Due Process Procedures for the Handicapped Student

All students should expect generally to be disciplined pursuant to the same standards of conduct and due process procedures. Handicapped students, however, as defined by Public Law 94-142 (20 U.S.C.A. 1401, *et seq.*), have special needs and a different legal status than non handicapped students. A separate process has therefore been developed to determine whether the apparent misconduct of a handicapped student is or is not the result of that student's handicapping condition. If the apparent misconduct is not the result of the student's handicap, then the student will be disciplined in the same manner as all other students. If the apparent misconduct is determined to be the result of the student's handicap, the student's special education placement will be reviewed, and if necessary, revised.

A. Emergency Suspension and Temporary Exclusion from Class of a Handicapped Student

and A handicapped student may temporarily be removed from class and/or may receive an emergency suspension using the same procedures as for a non handicapped student. See Paragraphs I(B) I (C) above.

B. Short Term Suspension of a Handicapped Student

A short term suspension of up to ten (10) days may be imposed on a handicapped student pursuant to the following procedures:

1. Discussion with the Student and Parents

- d. a copy of this Policy and A.R.S. 15-840 and 15-843 and school Special Education placement and due process policies and pertinent excerpts from federal law;
- e. a statement that the student and his or her parent(s) or guardian(s) are entitled to various procedural rights as described in this Policy; and
- f. a statement that parent(s), guardian(s), or student must provide written notice to the Board President at least 24 hours before the hearing if the student or his or her parent(s) or guardian(s) wish to have an attorney present. If this twenty-four (24) hour notice is not timely given, then the Franklin Phonetic School Board may at its sole discretion postpone the start of the hearing for a short time to allow the administration to have the assistance of an attorney as well.

Notice of a long term suspension hearing or an expulsion hearing may accompany the notice of the Responsibility Hearing with the explanation that the expulsion hearing will occur only if it is determined at the Responsibility Hearing that the student's misconduct is not the result of his or her handicapping condition. The long term suspension or expulsion hearing may be conducted no less than three (3) school days following the determination reached at the Responsibility Hearing.

3. Procedures at the Responsibility Hearing

The following procedures shall be followed at the Responsibility Hearing:

- a. The Director of Special Education or his or her designee shall preside at the Responsibility Hearing. In the absence of a regular Director of Special Education, the Board President or his or her designee may appoint a temporary Director or act as the Director at the Responsibility Hearing.
- b. Each of the special education professionals who receives a copy of the notice of the Responsibility Hearing shall attend the hearing unless excused from attending by the Director of Special Education or his or her designee.
- c. At the Responsibility Hearing, a school administrator shall describe generally the handicapped student's alleged misconduct. The administrator may, in his or her discretion, present independent evidence establishing or describing the misconduct.
- d. Any person attending the Responsibility Hearing, including the student's parent(s) or guardian(s) and the special education professionals, shall be given the opportunity to present any information concerning the alleged misconduct and its relationship to the student's handicap that is pertinent to the Responsibility Hearing. Any person may ask relevant questions of any other person present at the hearing.
- e. The Responsibility Hearing shall be closed to the public unless the student's parent(s) or guardian(s) request an open hearing.
- f. The student shall not be required to testify against himself or herself concerning the alleged misconduct.

U.S.C.A. 1401, et seq. and the regulations thereunder. This appeal is available regardless of whether the decision made at the Responsibility Hearing is that the alleged misconduct is or is not the result of the student's handicap. If the Student's parent(s) or guardian(s) wish to appeal the decision made at the Responsibility Hearing, they shall notify the Board President, in writing, of their desire to appeal.

8. Continuation of Educational Services

Following the long term suspension or expulsion of the handicapped student, the District may continue to provide educational services provided to the student may or may not be in the context of a regular school classroom and may involve homebound education or correspondence courses.

V. Record Keeping

1. The Principal or assistant principal at each school shall maintain a written log of any discipline case involving suspension, expulsion, referral to special classes, or transfer to another class or school for disciplinary reasons. This log should include:

- a. Student Name
- b. Sex of student
- c. Race of Student
- d. School in which student is enrolled
- e. Type of offense
- f. Date of offense
- g. Action taken

In the case of suspension or expulsion, the log should also include:

- a. Form of Notice Given to Student prior to suspension or expulsion
- b. Record of Due Process
- c. Records of parent contact

2. Additional information regarding disciplinary record keeping is available in the Discipline Resource Guide, August 1982, published by the Arizona Department of Education. This publication is available in each school.

POLICY

When a teacher imposes detention as a form of discipline, it is the responsibility of the teacher to make contact with the parents so that transportation of the child may be arranged.