

SCHROON LAKE

5313.3-R

STUDENT SUSPENSION REGULATION

The following procedures apply to the initiation and processing of student suspensions.

Grounds for Suspension

A student who is insubordinate or disorderly, or whose conduct otherwise endangers the safety, morals, health or welfare of others, or whose physical or mental condition endangers the health, safety or morals of himself/herself or of other students, may be suspended.

Authority to Suspend

The Board of Education retains its authority for the suspension of students. The Board places the primary responsibility for student suspension with the Superintendent of Schools. The Board also delegates the Superintendent the authority to suspend students for up to five days.

Any staff member may recommend to the Superintendent that a student be suspended. All recommendations shall be made in writing unless the conditions underlying the recommendation warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension.

Investigation The Superintendent upon receiving a recommendation for suspension or when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

Notice and Opportunity to be Heard.

Suspension of Five Days or Less

If the Superintendent determines a suspension of five days or less is warranted, he/she shall immediately notify the student orally or in writing and shall immediately notify the student's parents/guardians in writing that the student has been suspended from school. Written notice to the parent or guardian shall be provided by personal delivery, express mail delivery, or an equivalent means reasonably calculated to assure receipt of the notice within 24 hours of the suspension at the last known address of the parents/guardians. If possible, such notice will also be provided by telephone.

The notice shall provide a description of the charges against the student and the incident which resulted in the suspension and shall inform the parents/guardians of the right to request an immediate informal conference with the Superintendent. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents/guardians. At the conference, the parents/guardians shall be permitted to ask questions of complaining witnesses under such procedures as may be established by the Superintendent. After the conference, the Superintendent shall promptly advise the parents/guardians of his/her decision.

The Superintendent shall advise the parents/guardians that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the Board of Education with the District Clerk within 10 business days of the date of the decision, unless they can show extraordinary circumstances precluded them from doing so. Only final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

Suspension for More than Five Days

When the Superintendent determines that a suspension for more than five days may be warranted, he/she shall give reasonable notice to the student and the student's parent/guardian of their right to a fair hearing. At the hearing the student shall have the right to be represented by counsel, the right to question witnesses against him/her and the right to present witnesses and other evidence on his/her behalf.

The Superintendent shall personally hear and determine the proceeding or may, in his/her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him/her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the Superintendent. The report of the hearing officer shall be advisory only, and the Superintendent may accept all or any part thereof.

An appeal of the decision of the Superintendent may be made to the Board which will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the District Clerk within 10 business days of the date of the Superintendent's decision, unless the parents/guardians can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the Superintendent. Final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

Alternative Instruction

When a student of compulsory attendance age is suspended, immediate steps will be taken to provide alternative means of instruction for the student. As a general rule, an alternative program of instruction will also be provided to any student over the compulsory attendance age who presents a sincere desire to complete his/her high school education.

Suspension of Students with Disabilities

Students with disabilities will be suspended in accordance with the requirements of federal and state laws and regulations.