

Book Policy Manual

Section Volume 37, No. 1 - November 2024

Title Revised Policy - Volume 37, No. 1 - November 2024 - SUSPENSION AND
EXPULSION OF STUDENTS

Code po5610

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20 U.S.C. 1400 et seq., Individuals with Disabilities Education Act (IDEA)
20 U.S.C. 7151
29 U.S.C. 794, Section 504 of the Rehabilitation Act of 1973) (Section 504)

Cross References po5111 - DETERMINATION OF LEGAL SETTLEMENT AND ELIGIBILITY FOR
ENROLLMENT OF STUDENTS WITHOUT LEGAL SETTLEMENT IN THE
CORPORATION; PROOF OF INDIANA RESIDENCY

po8310 - PUBLIC RECORDS

po8315 - INFORMATION MANAGEMENT

po8330 - STUDENT RECORDS

Adopted April 21, 2003
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Revised Policy - Volume 37, No. 1 - November 2024

5610 - SUSPENSION AND EXPULSION OF STUDENTS

The School Board recognizes that removal from the educational programs of the School Corporation, whether by suspension or expulsion, is the most severe sanction that can be imposed on a student in this Corporation and one that cannot be imposed without due process since removal deprives a child of the right to an education.

No student is to be suspended and/or expelled from an activity, program, or a school unless the student's behavior represents misconduct or substantial disobedience while the student is on school grounds immediately before or during school hours, or immediately after school hours, or at any other time when the school is being used by a school group; off school grounds at a school activity, function, or event; or travelling to or from school or a school activity, function, or event. This includes but is not limited to bringing to or possessing at school a firearm, deadly weapon, or destructive device.

In addition to the grounds specified above, a student may be suspended or expelled for engaging in unlawful activity on or off school grounds if the unlawful activity reasonably may be considered to be an interference with school purposes or an educational function, or the student's removal is necessary to restore order or protect persons on school property, including any unlawful activity during weekends, holidays, other school breaks, and the summer period when a student may not be attending classes or other school functions.

Furthermore, a student may be suspended or expelled for bullying, regardless of the physical location in which the bullying occurred, whenever:

- A. the individual committing the bullying behavior and any of the intended targets of the bullying behavior are students attending a school within a school corporation; and
- B. disciplinary action is reasonably necessary to avoid substantial interference with school discipline or prevent an unreasonable threat to the rights of others to a safe and peaceful learning environment.

A student also may be expelled when the student's legal settlement is not within the Corporation's attendance area.

A Student Code of Conduct, approved by the Board, shall specify the procedures to be followed by school officials when administering this policy. In addition to the procedural safeguards and definitions set out in this policy and the student/parent handbook, the procedures set forth in Board Policy 5605 - Suspension and Expulsion of Students with Disabilities shall apply to students identified as having a disability under the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. 1400 et seq., or Section 504 of the Rehabilitation Act of 1973 ("Section 504"), 29 U.S.C. 794.

For purposes of this policy and the Superintendent's administrative guidelines, the following definitions shall apply:

- A. "Suspension" means any disciplinary action that does not constitute an expulsion whereby a student is separated from school attendance for a period not to exceed ten (10) school days. A student may be suspended for a longer period of time in accordance with the provisions of I.C. 20-33-8-23 pending expulsion.

If a student is suspended, the student is required to complete all assignments and schoolwork assigned during the period of the student's suspension. The principal or the principal's designee shall ensure that the student receives notice of any assignments or schoolwork due and teacher contact information in the event that the student has questions regarding the assignments or schoolwork. The student will receive credit, in the same manner as a student who is not suspended would receive, for any assignments or schoolwork assigned during the period of the student's suspension that the student completes. The student () shall () shall not [END OF OPTION] be allowed to make up missed tests or quizzes when the student returns to school.

1. separated from school attendance for a period exceeding ten (10) school days;
2. separated from school attendance for the balance of the current semester or current year unless a student is permitted to complete required examinations in order to receive credit for courses taken in the current semester or current year; or
3. separated from school attendance for at least one (1) calendar year pursuant to I.C. 20-33-8-16 for possession of firearms, deadly weapons, or destructive devices, which may include an assignment to attend an alternative school, an alternative educational program, or a homebound educational program.

The term does not include situations when a student is disciplined under I.C. 20-33-8-25, removed from school pursuant to I.C. 20-34-3-9, or removed from school for failure to comply with the immunization requirements of I.C. 20-34-4-5.

Any student who brings a firearm, as defined in I.C. 35-47-1-5, or a destructive device, as defined in I.C. 35-47.5-2-4, to school or onto school property or at a school-related activity, or is in possession of a firearm, shall be expelled for at least one (1) calendar year unless the Superintendent reduces the punishment for reasons justified by the particular circumstances of the incident.

If the student brings a deadly weapon as defined in I.C. 35-31.5-2-86 onto Corporation property or is found to possess a deadly weapon on Corporation property or at a school-related activity, the student () shall be expelled for a period of not more than one (1) calendar year () may be expelled for a period of not more than one (1) calendar year unless the Superintendent reduces the punishment for reason justified by the particular circumstances of the incident [END OF OPTIONS]. The Superintendent shall notify the law enforcement agency designated by the Prosecuting Attorney immediately when a student possesses a firearm, destructive device, or deadly weapon on school property or at a school-related activity.

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 or weapons offense together with the name of the school, the number of students so expelled, and the types of firearms or weapons that were brought on Corporation property.

The Corporation shall prepare annually a list of

1. alternative education programs in the same county in which the Corporation is located or a county immediately adjacent to the county in which the Corporation is located and
2. virtual charter schools

in which a student may enroll if the student is expelled. The list must contain contact information for the entities described above and must provide the student and the student's parent notice that the student may be required to comply with I.C. 20-33-2 or any statute relating to compulsory school attendance in accordance with I.C. 20-33-8-31. A copy of the list shall be provided to the student or the student's parent at the expulsion meeting. If the student or the student's parent fails to attend an expulsion meeting, a copy of the list shall be mailed to the student's residence.

If a student is expelled from school or from any educational function, the student's absence from school because of the expulsion is a violation of I.C. 20-33-2 or any other statute relating to compulsory school attendance if the student may enroll in

1. an alternative education program in the county where or in a county immediately adjacent to the county where the Corporation from which the student was expelled is located or
2. a virtual charter school

and the student does not enroll in an alternative education program or a virtual charter school during the student's expulsion. In the event an alternative education program or virtual charter school is not available for a student to attend under this subsection, the student's expulsion is not a violation of I.C. 20-33-2 or any other statute relating to compulsory school attendance.

[SELECT ONE (1) OF THE FOLLOWING OPTIONS]

The Board has voted to hear all expulsions. Appeals from the decision of the Board must be filed with the County Circuit or Superior Court..

The Board has voted not to hear any expulsion appeals. Instead, appeals of expulsion must be filed with the County Circuit or Superior Court.

[END OF OPTIONS]

The Superintendent shall develop administrative guidelines ~~which~~ that provide appropriate procedures for implementing this policy and comply with applicable statutes.

[OPTIONAL LANGUAGE]

The Board authorizes the Superintendent to develop administrative guidelines to provide for a program whereby a student performs community service in lieu of a suspension or an expulsion.

The Board authorizes the Superintendent to develop administrative guidelines to provide for the referral of a student to the juvenile court.

[END OF OPTIONAL LANGUAGE]

The Principal shall report all expulsions and second suspensions to the Bureau of Motor Vehicles in accordance with law and the Bureau's guidelines.

Retention of Public Records, Student Records, and Investigatory Records and Materials

All individuals charged with imposing discipline under this policy shall retain all information, documents, electronically stored information ("ESI"), and electronic media (as defined in Board Policy 8315 - Information Management) created and received as part of an investigation of student misconduct and disciplinary action taken including, but not limited to, reports, admissions, witness statements, documentary evidence, audio, video and/or digital recordings, handwritten and contemporaneous notes, emails related to the allegations, investigation and disciplinary action, printouts, letters, determinations, and summaries. The information, documents, ESI, and electronic media (as defined in Board Policy 8315 - Information Management) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

The information, documents, ESI, and electronic media (as defined in Board Policy 8315 - Information Management) created or received as part of an investigation of student misconduct or disciplinary action taken shall be retained in accordance with Board Policy 8310 - Public Records, Board Policy 8315 - Information Management, ~~Policy 8320~~, and Board Policy 8330 - Student Records and the Corporation's records retention schedule.

I.C. 20-8-33-33

I.C. 20-18-2-6.5

~~I.C. 20-20-8-8(a)(17)~~

I.C. 20-33-2

I.C. 20-33-2-25

I.C. 20-33-8-3

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po5605 - SUSPENSION AND EXPULSION OF STUDENTS WITH DISABILITIES
po8310 - PUBLIC RECORDS
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