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REVISED POLICY - VOL. 35, NO. 1 - NOVEMBER 2022

5610 - SUSPENSION AND EXPULSION OF STUDENTS

The Board of Managers recognizes that removal from the educational programs of the Cooperative, whether by suspension or expulsion, is the most severe sanction that can be imposed on a student 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 of the Cooperative unless **his/her 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 traveling 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 **may** 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 member 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 attendance area of the member school corporations.

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 Policy 5605 shall apply to students identified as having a disability under the **IDEA 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 any 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) consecutive 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 school work assigned during the period of the student's suspension. The Principal/building administrator or the Principal's designee shall ensure that the student receives notice of any assignments or school work due and teacher contact information in the event 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 school work assigned during the period of the student's suspension that the student completes. The student (**x**) shall () shall not **[end of options]** be allowed to make up missed tests or quizzes when the student returns to school.

- B. "Expulsion" means a disciplinary or other action whereby a student is:

1. separated from school attendance for a period exceeding ten (10) consecutive 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 Cooperative 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 Superintendent** of the member school corporation where the student is enrolled reduces the punishment for reasons justified by the particular circumstances of the incident, including that the student's behavior is a manifestation of **his/her the student's** disability.

If the student brings a deadly weapon as defined in I.C. 35-31.5-2-86 onto Cooperative property or is found to possess a deadly weapon on Cooperative property or at a school-related activity, the member school corporation where the student is enrolled will determine if **s/he the student shall be** expelled for a period of not more than one (1) calendar year or **may be** expelled for a period of not more than one (1) calendar year unless the Superintendent of the member school corporation where the student is enrolled reduces the punishment for reasons justified by the particular circumstances of the incident, including that the student's behavior is a manifestation of **his/her the student's** disability. The Director shall notify the law enforcement agency designated by the Prosecuting Attorney immediately when a student possesses a firearm, destructive device, or deadly weapon on Cooperative property or at a school-related activity.

The Director 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 Cooperative property.

The Director, principal/**building administrator**, and designee have authority to suspend students from attending a Cooperative school for no more than ten (10) consecutive school days. If a student has committed an offense for which expulsion is appropriate, the recommendation for expulsion will be submitted to the superintendent of the member school corporation where the student is enrolled, and the member school corporation is responsible for handling the expulsion process and procedural due process.

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

The Board authorizes the Director to develop administrative guidelines to provide for (**x**) a program whereby a student performs community service in lieu of a suspension. (**x**) the referral of a student to the juvenile court.**[END OF OPTION]**

The Director 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 Policy 8315) 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, e-mails related to the allegations, investigation and disciplinary action, printouts, letters, determinations, and summaries. The information, documents, ESI, and electronic media (as defined in Policy 8315) 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 Policy 8315) created or received as part of an investigation of student misconduct or disciplinary action taken shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, Policy 8330 and the Cooperative's records retention schedule.

I.C. 20-18-2-6.5

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

I.C. 20-33-2-25

I.C. 20-33-8-3

I.C. 20-33-8-13.5 et seq.

I.C. 20-33-8-14

I.C. 20-33-8-15

I.C. 20-33-8-16

I.C. 20-33-8-17

I.C. 20-33-8-18

I.C. 20-33-8-19

I.C. 20-33-8-20

I.C. 20-33-8-21

I.C. 20-33-8-22

I.C. 20-33-8-23

I.C. 20-33-8-24

I.C. 20-33-8-25

I.C. 20-33-8-26

I.C. 20-33-8-28

I.C. 20-33-8-34

I.C. 35-31.5-2-86

I.C. 35-47-1-5

I.C. 35-47.5-2-4

20 U.S.C. 7151

Legal

I.C. 20-18-2-6.5
I.C. 20-20-8-8(a)(17)
I.C. 20-33-2-25
I.C. 20-33-8-3
I.C. 20-33-8-13.5 et seq.
I.C. 20-33-8-14
I.C. 20-33-8-15
I.C. 20-33-8-16
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I.C. 20-33-8-34
I.C. 35-31.5-2-86
I.C. 35-47-1-5
I.C. 35-47.5-2-4
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