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STUDENT SUSPENSION/EXPULSION

NOTE: The following procedures apply to all students except those who are defined by Board policy as disabled. Procedures applicable to disabled students are described in Board policies dealing with the discipline of disabled children.

The Board of Education believes that the right of a child to attend free public schools carries with it the responsibility of the child to attend school regularly and to comply with the lawful policies, rules and regulations of the school district. This observance of school policies, rules and regulations is essential for permitting others to learn at school.

Therefore, the administrative prerogative to exclude a student from school because of willful violation of school rules and regulations, willful conduct which materially or substantially disrupts the rights of others to an education, or willful conduct which endangers the student, staff, other students or the property of the school is permitted, provided such action is taken in accordance with due process and with due regard for the welfare of both the student and the school.

In addition, in accordance with 167.161 (2), RSMo, the board, after notice to parents or others having custodial care and a hearing upon the matter, may suspend a pupil upon a finding that the pupil has been charged, convicted or pled guilty in a court of general jurisdiction for the commission of a felony criminal violation of state or federal law.

The term "suspension" refers to an exclusion from school that will not exceed a specific period of time. The term "expulsion" refers to exclusion for an indefinite period.

Suspensions:

In Missouri, a principal may suspend a student for up to ten (10) school days. A superintendent may suspend a student for up to 180 school days. Procedures for suspending a student are outlined below.

1. Before suspending a student, a principal or superintendent must (a) tell the student, either orally or in writing, what misconduct he or she is accused of; (b) if the student denies the accusation, explain, either orally or in writing, the facts that form the basis of the proposed suspension; and give the student an opportunity to present his or her version of the incident.
2. If the principal or superintendent concludes that the student has engaged in misconduct punishable by suspension, the procedures described below apply unless the student is disabled. (If the student is disabled, the procedures described in the policy dealing with the discipline of disabled children apply.)
3. The principal or superintendent should determine whether the student should be suspended or whether less drastic alternative measures would be appropriate. In many cases, the principal or superintendent may decide not to suspend a student unless conferences (between the teacher, student and principal

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and/or between the parent, student and principal) have been held and have failed to change the student's behavior.

4. If suspension is imposed, the student's parents or guardians must be promptly notified of the suspension and the reasons for the action.
5. Any suspension by a principal must be reported, immediately and in writing, to the superintendent, who may revoke the suspension, either part or in full, at any time.
6. If a student is suspended for more than ten (10) school days, the following rules also apply:
 - a. The superintendent will schedule a hearing for all suspensions greater than ten days to verify the facts and provide the student and parents/guardians with an opportunity to present additional data or share extenuating circumstances. The superintendent or his designee will determine whether the conditions of the suspension will be upheld or modified in any way.
 - b. The student, his or her parents, guardians or others having custodial care have a right to appeal the superintendent's decision to the Board or a committee of the Board appointed by the Board president.
 - c. If the student gives notice that he or she wished to appeal the suspension to the Board, the suspension shall be stayed until the Board renders its decision, unless in the superintendent's judgment, the student's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process.
 - d. All notices of appeal shall be transmitted, either by the appealing party or by the superintendent, to the secretary of the Board. Oral notices, if made to the superintendent, shall be reduced to writing and communicated to the secretary of the Board.
 - e. The superintendent, when notified of an appeal, shall promptly transmit to the Board a full written report of the facts relating to the suspension, the action taken by the superintendent, and the reasons for the action.
 - f. Upon receipt of a notice of appeal, the Board will schedule a hearing and within a reasonable time in advance of the scheduled date, will notify, by certified mail, the appealing party of the date, time and place of the hearing and of the right to counsel, to call witnesses, and to present evidence at the hearing.
 - g. Hearings of appealed suspensions will be conducted as described in the section of this policy dealing with student disciplinary hearings.

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Suspensions For More Than 180 Days and Expulsions:

Only the Board may expel a student or suspend a student for more than 180 days. The applicable procedures are outlined below.

1. Before recommending to the Board that a student be expelled or suspended for more than 180 days, the superintendent must (a) tell the student, either orally or in writing, what misconduct he or she is accused of; (b) if the student denies the accusation, explain, either orally or in writing, the facts that form the basis of the proposed suspension/expulsion; and give the student an opportunity to present his or her version of the incident.
2. If the superintendent concludes that the student has engaged in misconduct and should be expelled or suspended for more than 180 days, the procedures described below apply unless the student is disabled. (In the case of a disabled student, the procedures described in the policy dealing with the discipline of disabled children shall apply.)
 - a. The superintendent will recommend to the Board that the student be expelled or suspended for more than 180 days. The superintendent may also immediately suspend the student for up to 180 days.
 - b. Upon receipt of the superintendent's recommendation, the Board will follow the procedures described in the section of this policy dealing with student disciplinary hearings.
3. If the student is expelled, he or she may later apply to the Board for readmission. Only the Board can readmit an expelled student.

Student Discipline Hearings before the Board of Education

The Board of Education may originate student discipline hearings upon recommendation of the superintendent. In such cases, the Board of Education will review the superintendent's report and determine whether to conduct a discipline hearing. In addition, student discipline hearings also will be held upon written request of the student or the student's parents, to consider appeals from student suspensions in excess of ten (10) school days. A discipline hearing will always be held in cases of suspensions in excess of 180 school days or expulsions, unless after meeting with the superintendent or designee, the parent or guardian waives, in writing, the right to an expulsion hearing.

In all hearings, whether initiated by the Board of Education or by appeal, the following procedures will be adhered to:

1. The student and the parents/guardians will be advised of the charges against the student; their right to a Board hearing; the date, time and place of the hearing; their right to counsel; and their procedural rights to call witnesses, enter exhibits and cross-examine adverse witnesses. All such notifications will be made by certified mail, addressed to the student's parents or guardians. The Board shall make a good-faith effort to have the parents or guardians present at the hearing.

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2. Prior to the commencement of the Board hearing, the student and the student's parents/guardians will be provided with copies of the documents to be introduced at the hearing by the administration.
3. The hearing will be closed unless the Board decides otherwise. The hearing will only be open with parental consent. At the hearing, the administration or their counsel will present the charges and such testimony and evidence to support such charges. The student, his or her parents/guardians or their counsel shall have the right to present witnesses, introduce exhibits, and to cross-examine witnesses called in support of the charges. A licensed court reporter may record the hearing and prepare a written transcript.
4. At the conclusion of the hearing, the Board of Education shall deliberate in executive session and shall render a decision to dismiss the charges; to suspend the student for a specified period of time; or to expel the student from the schools of the district. The administration or its counsel, by direction of the Board of Education, shall promptly prepare and transmit to the parents/guardians written notice of the decision.

Remedial Conference

Prior to the readmission or enrollment of any student who has been suspended out of school or expelled in accordance with this policy, a conference must be held to review the student's conduct that resulted in the suspension or expulsion and any remedial actions needed to prevent future occurrences of such conduct or related conduct. The conference shall include the appropriate school officials including any teacher directly involved with the conduct that resulted in the suspension or expulsion, the student, and the parent or guardian of the student or any agency having legal jurisdiction, care, custody or control of the student. The Board of Education shall notify, in writing, the parents or guardians and all other parties of the time, place and agenda of any such conference. Failure of any party to attend this conference shall not preclude holding the conference.

Adopted: October 8, 1996

Revised: August 28, 2007

Cross Refs.: JFAA, Student Discipline Hearings
JG, Student Discipline
JGE, Discipline of Disabled Students

Legal Refs.: §§ 160.261, 162.955 - .963, RSMo
§§167.161 - .171, RSMo
Chapter 536, RSMo
P.L. 94-142, The Education for All Handicapped Children Act of 1975