



Book	Policies
Section	06000 School Conduct and Discipline
Title	Procedures for Suspension
Code	6012
Status	Active

- A. If the conduct described does not require mandatory suspension, or mandatory expulsion, the principal or assistant principal, at his/her discretion, may suspend the student for up to ten days, and in addition may recommend that the Superintendent suspend the student for up to an entire school year, or its equivalent imposed over consecutive portions of two school years.
- B. If the conduct described requires mandatory expulsion/suspension, then the principal or assistant principal shall suspend the student for ten days and in addition shall recommend that the superintendent suspend the student for up to an entire school year, or its equivalent imposed over consecutive portions of two school years.
- C. If a student is suspended for a period of time less than or equal to ten days, the principal or assistant principal shall immediately provide notice to the student's parent or guardian. Notice shall, if possible, be given by telephone. If reasonable efforts to contact the parent or guardian by telephone are unsuccessful, then written notice shall be sent to the parent or guardian. The notice, whether verbal or written, shall include the following:
  - 1. That the student has been suspended.
  - 2. The grounds for the suspension.
  - 3. The period of time for which the student is suspended.
  - 4. The date, time and place for the parent or guardian to meet with the principal or assistant principal to review the suspension. This meeting shall be scheduled to occur as soon as is practicable, but in all cases prior to the end of the tenth day of the suspension.

If the principal or assistant principal has recommended that the Superintendent suspend the student for a period longer than ten days, that fact shall be included in the notice to the parent or guardian. The student shall also attend the meeting.

- D. At the meeting with the student, the parent or guardian, and the principal or assistant principal, the student shall be informed of the charges and evidence against him. If the student denies the charges he shall be given an opportunity to tell his side of the story. If the parent or guardian and/or the student fails or refuses to attend the meeting at the scheduled date, time and place, and reasonable efforts to contact them are unsuccessful, the principal or assistant principal shall mail notification to the parent or guardian describing the charges against the student and the evidence against him. *Goss v. Lopez*, 410 U.S. 565 (1975)
- E. Upon the conclusion of the meeting or upon a determination that the parent or guardian has not appeared for the meeting, the principal or assistant principal shall take one of the following actions, if the reported conduct provides for discretionary suspension/expulsion:
  - 1. Take no further disciplinary action to extend the suspension beyond the previous stated period of suspension.
  - 2. Increase the time of suspension up to a total of ten days.
  - 3. Increase the time of suspension up to a total of ten days, with a recommendation to the superintendent that the student be suspended for a period of time greater than ten days up to an entire school year or its equivalent imposed over consecutive portions of two school years.

Rescind the suspension already imposed and return the student to classes or impose disciplinary measures not including suspension.

- F. If the student is expelled for willful disobedience, defiance of authority or disruptive behavior which is not so violent or extreme that immediate removal is required, then good faith efforts shall be made to implement a remediation plan that would allow the student to return to school.
- G. If the reported conduct requires mandatory suspension or expulsion the Principal or Assistant Principal shall increase the time of suspension up to a total of ten days, with a recommendation to the superintendent that the student be suspended for a period of time equivalent to an entire school year, or be imposed as necessary over consecutive portions of two school years.
- H. The following guidelines shall be considered when it has been determined that a student has violated the controlled substance policies as indicated. Deviations from these guidelines may be made when the individual circumstances warrant such a deviation.
1. When a student violates the provisions of this policy regarding the possession or control of a drug or controlled substance as defined in U.C.A. § 58-37-2, an imitation controlled substance defined in U.C.A. § 58-37b-2, or drug paraphernalia as defined in U.C.A. § 58-37a-3 or under circumstances when a student is knowingly present where use or possession is taking place the following action should be considered:
    - a. For the first violation the student should be immediately suspended from school for three (3) to ten (10) days. Prior to re-admittance the student and parents shall sign a contract agreeing to comply with this policy and school rules. The student shall successfully complete an approved drug and alcohol program at the student or parent's expense.
    - b. For the second violation the student should be immediately suspended from school for ten (10) days. The student may also be placed on a home-bound alternative education program for a minimum period of six (6) weeks. The principal after consultation with the Superintendent may grant re-admittance to the school when the student demonstrates a readiness to return. The student may be requested to successfully complete an approved alcohol and drug treatment program prior to consideration for re-admittance at the student or parent's expense and may be required to demonstrate by reliable evidence that he or she is drug free.
    - c. For the third violation the student should be immediately suspended from school for ten (10) days. The student may also be suspended for a longer period of time as may be appropriate and may be placed on a home-bound alternative educational program for at least the remainder of the year. The Superintendent may with a recommendation of the Principal, grant re-admittance to the school when the student demonstrates a readiness to return. The student may be requested to successfully complete an approved alcohol and drug treatment program prior to consideration for re-admittance at the student or parents' expense and be required to demonstrate by reliable evidence that he or she is drug free.
  2. When a student violates the provisions of this policy regarding the distribution or sale of a drug or controlled substance as defined in U.C.A. § 58-37-2:
    - a. For the first violation the student should be immediately suspended from school for ten (10) days. The Principal and Superintendent should consider whether a suspension for longer than ten (10) days or expulsion is appropriate and may direct placement on a homebound alternative educational program for at least nine (9) weeks. The Superintendent, with a recommendation of the Principal, may grant re-admittance to the school when the student demonstrates a readiness to return. The student shall be requested to successfully complete an approved alcohol and drug treatment program prior to consideration for re-admittance at the student or parents' expense and may be required to demonstrate by reliable evidence that he or she is drug free.
    - b. For the second violation the student should be suspended or expelled from school for at least one (1) year.
- I. If the principal or assistant principal recommends suspension for a period greater than ten days, he or she shall notify the Superintendent of that recommendation as soon as possible. The Superintendent shall then schedule a hearing to be held with the student's parent or guardian, the student and the Superintendent. The hearing shall be scheduled to take place prior to the tenth day of the student's suspension where possible.
- J. The superintendent shall provide written notice of the date, time and place of the hearing to the student and his/her parent or guardian. The notice shall include a statement of the charges against the student, that suspension has been recommended beyond the ten-day suspension imposed by the principal or assistant principal, and the period of time for which suspension has been recommended.
- K. The superintendent or the superintendent's designee shall preside at and conduct the hearing at the appointed time and place. A person of their choice may represent each the district and the student. Each side may present witnesses, cross-examine witnesses and make legal arguments relevant to the issues. An audio recording device shall record this hearing.

At the conclusion of the hearing, the Superintendent or designee shall make a final determination of the matter, and shall state his/her determination to those attending the hearing. The determination shall then be placed in writing and mailed

to the student and his parent or guardian.

If the conduct provides for discretionary suspension/expulsion, then the determination shall be one of the following:

1. No further disciplinary action beyond the ten day suspension imposed by the principal or assistant principal.
2. Rescission of the suspension already imposed and return the student to classes.
3. An increase in the time of suspension for a period up to an entire school year or its equivalent imposed over consecutive portions of two school years.

L. If the conduct requires mandatory suspension or expulsion then the determination shall be one of the following:

1. Rescission of the suspension already imposed and return the student to classes.
2. An increase in the time of suspension for a period up to or equivalent to an entire school year, imposed as necessary over consecutive portions of two school years.
3. When it has been determined that a student shall be suspended for any period of time, the parent or guardian, upon meeting with the principal or assistant principal, shall be given the option of attending all classes with the student in lieu of excluding the student from school during the period of suspension. The parent or guardian must agree to attend all of the student's classes with the student for each day of the suspension, if this option is accepted. If the parent or guardian wishes to accept this option, the consent of the student's teachers shall be requested. If granted, the student shall not be excluded from classes for the period of suspension provided the student's parent or guardian attends every class with the student. If the parent or guardian fails to attend a class period with the student, or does not agree to attend class with the student, then the student will be excluded from classes and school activities from that time forward for the remaining period of suspension.
4. A recommendation of expulsion to the Board of Education when the Superintendent recommends that a student be expelled for a period in excess of one year or an indefinite period of time. The Student shall be temporarily suspended until the Board of Education reviews the record of the hearing conducted by the Superintendent and enters its determination. The Board of Education shall hold a hearing and shall allow the Student, his or her parents or guardians and a representative to attend and participate. Written Notice of the hearing shall be provided by the Superintendent. The Board may rely solely on the record of the hearing conducted by the Superintendent or it may allow additional evidence to be presented upon good cause shown. Upon conclusion of the hearing the Board may expel the student from school or may take any other action authorized by law. The decision of the Board of Education shall be placed in writing and mailed to the student and his parent or guardian.

Legal

Goss v. Lopez, 410 U.S. 565 (1975)

UCA § 58-37b-2

UCA § 58-37a-3

UCA § 58-37-2

UCA § 53A-11-102(1)

UCA § 53A-11-904