

SUSPENSION/EXPLUSION OF STUDENTS

School officials have the authority to discipline students by exclusion, suspension, mandatory reassignment, or expulsion. Further, in the case of a clear and present danger to the student or to other students, emergency procedures may be followed. For the purpose of this policy, the terms shall have the following meanings:

1. Emergency Exclusion - Immediate exclusion if the student has a dangerous communicable disease or presents a clear threat to self or others.
2. Short Term Suspension - Up to and including five (5) school days.
3. Long Term Suspension - More than five (5) school days, but less than twenty (20) school days.
4. Mandatory Reassignment - Assignment to another educational setting.
5. Expulsion - Exclusion from attendance in all schools within the system.

The following conduct constitutes grounds for any of the above:

1. Use of violence, force, coercion, threat, intimidation or similar conduct that constitutes interference with school purposes.
2. Willful damage to private or school property, stealing of substantial value, or repeated damage or theft of small value.
3. Causing or attempting to cause physical injury to a school employee or student.
4. Threatening or intimidating a student with the intent of obtaining money or other valuables from the student.
5. Possession, handling, or transmitting any object or materials generally considered a weapon.
6. Unlawful possession, selling, dispensing, or use of a controlled substance or imitation controlled substance, or alcoholic beverage.
7. Engaging in any other activity forbidden by law which constitutes a danger to other students or interferes with school purposes.
8. Repeated violations of any established school rule.
9. Possessing, handling, or detonating any object which explodes as stated in Criminal Code-Section 28-1242: It is unlawful to throw firecrackers or any object which explodes upon contact with another object, (a) from a motor vehicle, (b) onto a street or highway, or sidewalk, (c) at or near school property.

The student is entitled to a hearing upon receipt of written request by the parents/guardians on behalf of the student. A "Request or Waiver of Hearing" form (FORM C) will be enclosed in the suspension/expulsion reassignment letter from the superintendent. Attention is called to the fact that if the administrative office has not received a request for a hearing within five (5) school days after receipt of the written notice by the parents/guardians, the recommended disciplinary action shall take affect

without further proceedings. If a hearing is requested, the student is reminded that suspension is in force until the hearing is completed. Upon receipt of the "Request for a Hearing" form, an impartial hearing examiner will be appointed, who will notify the student and parents/guardians of the time and place of the hearing. The hearing shall be scheduled within a period of five (5) school days after the request is received. It is the student's right to have legal counsel present at the hearing or another representative of their choice. It is also the student's and parents'/guardians' right to ask witnesses to testify as well as question any witnesses giving information at the hearing. The student's parents/guardians have the right to examine Wakefield's school records and any affidavits to be used at the hearing and to know the identity of witnesses and the substance of their testimony at a reasonable time prior to the hearing. Upon completion of the hearing, the hearing examiner will submit a written report of the findings and a recommendation of action to be taken to the superintendent, who will notify the parents/guardians of the determination. The administration will be available to discuss the situation and the student's rights with parents/guardians at any time.

Legal Reference: Neb. Statute 79-254 et seq. (Student Discipline Act)
 20 U.S.C. §§ 1400 et seq. (Individuals with Disabilities
 Education Act)
 34 C.F.R. §§ 104.1 et seq.
 34 C.F.R. §§ 300 et seq.

Cross Reference: 504.01 Student Due Process Rights

Approved _____ Reviewed _____ Revised _____