

## 290-3-1-.05

## Student Disciplinary Due Process

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**Student Disciplinary Due Process**

(1). Each local board of education, consistent with Section 16-28-12, Section 16-1-24.1, Section 16-1-24.3 and all other laws, shall adopt written rules with respect to behavior and discipline of students enrolled in the schools under its jurisdiction, commonly referred to as a student code of conduct. In order to enforce said rules, the board may remove, isolate, or separate students who create disciplinary problems in any classroom or other school activity and whose presence in the class may be detrimental to the best interest and welfare of the class as a whole.

(2) Each code of conduct shall, at a minimum, provide for the following:

(a) Definitions:

(1) Long-term suspension: The exclusion of a student from the school environment for more than 10, and fewer than 90, school days for disciplinary purposes.

(2) Short-term suspension: The exclusion of a student from the school environment for 10 or fewer school days for disciplinary purposes.

(3). Expulsion: The exclusion of a student from the school environment for more than 90 school days for disciplinary purposes.

(4). Long-term alternative school placement: The assignment of a student to the alternative school for 91 school days or longer.

(b) Provisions:

(1). Each student enrolled in a public school has a right to due process prior to a long-term suspension, long-term alternative school placement, or expulsion. Both the student and administration shall have the opportunity to be present and present evidence or information during the disciplinary hearing.

(2). The board, or its designee, shall conduct the hearing.

(3). The parent/guardian of a student being recommended for long-term suspension, long-term alternative school placement, or expulsion must receive notice of the hearing within 10 school days following the infraction warranting the disciplinary action unless good cause is shown for any delay.

(4). The student or parent/guardian may waive the right to a hearing explicitly or implicitly by failing to respond to the notice and/or request a hearing. In the event no hearing is requested, the board may proceed with the disciplinary action without a hearing.

(5). A student under age 11 may not receive long-term suspension or expulsion from a public school, unless the behavior of the student endangers the physical safety of students or school personnel, causes substantial damage to school property, or significantly disrupts the educational environment.

(6). A student in any grade may not be denied attendance from a public school solely for truancy or tardiness violations. Other disciplinary measures may be considered.

Authors: \_\_\_\_\_

Statutory Authority:

History: Amended: Filed \_\_\_\_\_; effective \_\_\_\_\_.