Administrative Rule

**SUSPENSION OF STUDENTS**

*Code* **JKD-R** *Issued* **DRAFT/19**

The board has conferred authority on the school principal to suspend a student from a teacher’s class or from school and school activities for a period of time not to exceed ten (10) school days for any one offense or thirty (30) days in any one (1) school year.

Principals should consider the following factors in determining the appropriateness of suspending a student:

* the student’s age
* the student’s disciplinary history
* the student’s eligibility as a student with a disability
* the seriousness of the violation committed by the student, including any aggravating or mitigating circumstances
* the threat posed to any student or staff as a result of the student’s conduct
* the likelihood that a lesser intervention would effectively address the violation

**Procedure for Suspension**

*DRAFTER’S NOTE: The district should include its specific suspension procedures in this section. Sample procedures follow.*

The following procedures will be followed for all suspensions unless the student is suspended pending an expulsion proceeding, in which case the expulsion procedures outlined in policy JKE, *Expulsion of Students*, will apply. The principal will send a report of all suspensions to the superintendent.

*Informal hearing*

At the time a principal has determined that suspension may be warranted, the principal will have a conference with the student. During this conference, the principal will notify the student of the charges against him/her. If the student denies the charges, the principal will offer the student an explanation of the evidence and an opportunity to present his/her version of events. The principal will keep a record of this informal hearing.

*Notice*

On the day of suspension, the principal will provide to the student and send, by regular mail, written notice of the suspension to the student’s parent/legal guardian. The notice will state the reason(s) for the action taken, the effective dates of suspension, the parent/legal guardian’s right to a conference with the principal, and a proposed time and place for the conference. This written notice will also advise the parent/legal guardian of his/her right to appeal an unfavorable decision to the superintendent.

In the event the principal receives no response to the letter within forty-eight (48) hours, he/she will send a copy of the original letter to the parent/legal guardian by certified mail.

*Parent conference*

At the parental conference, the principal will discuss the charges and suspension with the student and the parent/legal guardian. He/she will also discuss the proposed remedy and any follow-up procedures deemed desirable.

*Appeal to the superintendent*

The principal will advise the parent/legal guardian of the right to appeal the principal’s decision to the superintendent. The parent/legal guardian must give notice of his/her intent to appeal to the principal within three (3) school days of the parent conference. The principal will promptly, upon receipt of such notice, contact the superintendent’s office and schedule a date for the appeal.

The superintendent will schedule a conference upon request with any parent/legal guardian requesting appeal of a suspension. The superintendent may vacate or revise the principal’s suspension action if he/she believes such action to be inadvisable.

The superintendent will inform the parent/legal guardian at the time of the conference, or within twenty-four (24) hours after the conference, of his/her decision. Written notice of the decision, and notice that the parent/legal guardian may petition the board for a review of the decision, will also be provided to the parent/legal guardian by regular mail. The parent/legal guardian must give notice of his/her desire for the board to review the superintendent’s decision within three (3) school days of the parent conference.

*Appeal to the board*

Board review of a student suspension is discretionary. The superintendent will inform the board of a parent/legal guardian’s desire for review of a suspension. During the next board meeting for which sufficient public notice can be provided in accordance with the South Carolina Freedom of Information Act, the board will make a determination as to whether it will review the suspension.

In accordance with state law, the board will automatically hear suspensions occurring within the last ten (10) days of the school year which would make a student ineligible to receive credit for the school year unless the presence of the student constitutes an actual threat to a class or a school.

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