

#### **4.30—SUSPENSION FROM SCHOOL**

Students not present at school cannot benefit from the educational opportunities the school environment affords. Administrators, therefore, shall strive to find ways to keep students in school as participants in the educational process. There are instances, however, when the needs of the other students or the interests of the orderly learning environment require the removal of a student from school. The Board authorizes school principals or their designees to suspend students for disciplinary reasons for a period of time not to exceed ten (10) school days, including the day upon which the suspension is imposed. The suspension may be in school or out of school. Students are responsible for their conduct that occurs:

- At any time on the school grounds;
- Off school grounds at a school-sponsored function, activity, or event;
- Going to and from school or a school activity.

A student may be suspended for behavior including, but not limited to that which:

1. Is in violation of school policies, rules, or regulations;
2. Substantially interferes with the safe and orderly educational environment;
3. School administrators believe will result in the substantial interference with the safe and orderly educational environment; and/or
4. Is insubordinate, incorrigible, violent, or involves moral turpitude.

Out-of-school suspension (OSS) shall not be used to discipline a student in kindergarten through fifth (5<sup>th</sup>) grade unless the student's behavior:

- a. Poses a physical risk to himself or herself or to others;
- b. Causes a serious disruption that cannot be addressed through other means; or
- c. Is the act of bringing a firearm on school campus.

OSS shall not be used to discipline a student for skipping class, excessive absences, or other forms of truancy.

The school principal or designee shall proceed as follows in deciding whether or not to suspend a student.

1. The student shall be given written notice or advised orally of the charges against him/her;
2. If the student denies the charges, he/she shall be given an explanation of the evidence against him/her and be allowed to present his/her version of the facts;
3. If the principal finds the student guilty of the misconduct, he/she may be suspended.

When possible, notice of the suspension, its duration, and any stipulations for the student's readmittance to class will be given to the parent(s), legal guardian(s), person(s) with lawful control of the student, person(s) standing in loco parentis, prior to the suspension. Such notice shall be handed to the parent(s), legal guardian(s), person(s) with lawful control of the student, person(s) standing in loco parentis, or mailed to the last address reflected in the records of the school district.

Generally, notice and hearing should precede the student's removal from school, but if prior notice and hearing are not feasible, as where the student's presence endangers persons or property or threatens disruption of the academic process, thus justifying immediate removal from school, the necessary notice and hearing should follow as soon as practicable.

It is the responsibility of a student's parents', legal guardians', person having lawful control of the student, or person standing in loco parentis to provide current contact information to the district which the school shall use to immediately notify the parent, legal guardian, , person having lawful control of a student, or person standing in loco parentis upon the suspension of a student. The notification shall be by one of the following means, listed in order of priority:

- A primary call number
  - The contact may be by voice, voice mail, or text message
- An email address
- A regular first class letter to the last known mailing address

The district shall keep a log of contacts attempted and made to the parent, legal Guardian, person having lawful control of the student, or person standing in loco parentis.

The District shall establish programs, measures, or alternative means and methods to continue student engagement and access to education during a student's period of OSS.

Out-of-school suspensions shall be treated as unexcused absences and during the period of suspension, OSS students shall not be permitted on campus except to attend a student/parent/administrator conference or when necessary as part of the District's engagement or access to education program.

In-school suspension shall be treated as if the student was present at school. The student shall not attend any school-sponsored activities during the imposed suspension nor shall the student participate in any school-sponsored activities.

Suspensions initiated by the principal or his/her designee may be appealed to the Superintendent, but not to the Board.

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### **Suspension**

A. The building principal of a school may suspend pupils up to ten (10) school days or six (6) school days in grades 10-12 due to block scheduling. In all suspensions up to 10 days, the principal will give the student oral or written notice of the charges. If students deny the charge and the explanation of the evidence the school has, then an opportunity to present student's version concerning the charge and the evidence must be given to the student. The hearing with the accused student's principal or designee will precede the student's suspension from the school unless the student's presence endangers persons or property or threatens the academic process, justifying the immediate removal of the student from school. Necessary notice and suspension hearing will follow as soon as practicable.

B. Student suspensions for more than ten (10) school days or six (6) school days in grades 10-12 due to block scheduling or expulsion are a function of the Board of Education. The building principal of the school will furnish the student and parents in writing, a list of the offenses committed by the student. The principal will notify the student and parents of the impending expulsion hearing to be conducted by the school board. The student and the parents will be notified that they have the right to appear at the Board hearing and present their defense in regard to the accusations presented by the principal of the school. The student and the parents will be notified that they have the right to bring legal counsel to represent them with their defense.

C. Conduct that disrupts school routine, tends to impair the discipline of the school or harms other pupils is sufficient grounds for suspensions or expulsion. Violations of Arkansas Civil Law on school property by students are also grounds for suspension or expulsion; e.g. carrying concealed weapons, drunkenness,

drugs, etc. Some other examples of offenses that warrant suspension or expulsion are: immoral conduct, indecent language or behavior, violent opposition to authority, persistent disobedience or disorder.

### **Discipline of Students with Disabilities**

Benton School District will comply with 34 CRF 300.519 through 34 CFR 300.529 of the Individuals with Disabilities Act (IDEA) Amendments of 1997 and the Arkansas Department of Education Special Education and Related Services and Program Standards, Section 11.00.

### **Off-Campus School Events**

Students at school-sponsored, off-campus events will be governed by school district rules and regulations and be subject to the authority of school district personnel or authorized chaperones. Failure to obey the rules and/or failure to obey reasonable instructions of school district personnel shall result in loss of eligibility to attend school-sponsored, off-campus events and may result in disciplinary action applicable under the regular school program.

### **In-School Suspension Program**

**Adopted 10/9/00**

In-School Suspension (ISS) program is a discipline tool for use by administrators to address student misconduct. ISS will be used at the administrator's discretion for offenses that result in consequences more severe than Saturday School but less punitive than Out-of-School Suspension (OSS). Students will be assigned to ISS, for 1 (one) to 5 (five) days, by a building administrator and will report directly to ISS for their assigned day(s) of ISS. Students will not be counted absent, will receive credit for their work, and will work on classroom teacher and/or ISS supervisor assignments. Parents must deliver students assigned to ISS to the ISS classroom (no student drivers). Failure to follow the rules at ISS will result in additional ISS days or OSS (Out-of-School Suspension).

Assignment to In-School Suspension (ISS) may affect semester test exemption.

Legal References:       A.C.A. § 6-18-507  
                              *Goss v Lopez*, 419 U.S. 565 (1975)  
                              A.C.A. § 6-17-112 and 6-18-505

Date Adopted: 09/08/03

Last Revised: 07/08/2019