

**STUDENT DUE PROCESS RIGHTS  
GENERAL ADMINISTRATIVE GUIDELINES**

A breach of discipline may result in reprimand, after school detention, referral to special personnel in school, parent conferences, suspension, expulsion or such other appropriate penalty determined by the principal or his designee.

Grounds for suspension and/or expulsion shall include but not be limited to the following: the use of violence, force, noise, coercion, threat, intimidation, fear, passive resistance, or other conduct constituting interference with school purposes. A student may be suspended for urging other students to engage in the above conduct. Other possible grounds for expulsion include damage or theft involving school land or private property, intentionally causing bodily harm to fellow students or school employees, intimidating any student with the intent of obtaining money, possessing weapons, and failing in a substantial number of instances to comply with the direction of teachers and the rules of the school. In addition, a student may be expelled for possessing, using, transmitting or being under the influence of drugs or alcoholic beverages. This may be on school grounds during and immediately before or after school hours, on the grounds at any time the school is in used by a school group, on the grounds during non-school hours, or off the school grounds at or traveling to or from a school function. A student may also be expelled for engaging in any unlawful activity on or off school grounds, including during weekends, holidays, other school breaks, and the summer period when a student may not be attending classes or other school functions, if the unlawful activity constitutes an interference with school purposes or an educational function or if the student's removal is necessary to restore order or protect persons on school property.

Any student may be removed from school:

- A. If the student has a dangerous communicable disease transmissible through normal school contacts that poses a substantial threat to the health or safety of the school community.
- B. For non-compliance with immunization requirements.

**TEACHER GUIDELINES FOR A TEMPORARY DISMISSAL**

The school staff members should orally or in writing advise the student of the accusation made and allow opportunity for the student to give his side of the story. A teacher may remove a student from his classroom or activity under the teacher's supervision for a period not to exceed one day for an elementary student or five class periods for a secondary student. The student may attend other classes or activities of the school. The teacher should:

- A. Instruct the student to leave the classroom or activity.
- B. Tell the student where the student should report and when the student may return to the classroom.
- C. Notify the administration of the incident, action taken and instructions provided for the student. *Form H-1* has been provided as a means for notification purposes.

## PRINCIPAL'S GUIDELINES FOR SUSPENSION

The principal may suspend the student from all portions of the school program for a period not to exceed ten school days for conduct constituting grounds for expulsion or for violation of any behavioral rules or regulations of the school corporation. The principal or the principal's designee should:

- A. Investigate the incident, and determine that such suspension is necessary because of student misconduct or substantial disobedience.
- B. Provide the student an oral or written statement of the charges against the student, and if he or she denies the charges, a summary of the evidence against him and an opportunity to explain his conduct. A meeting as outlined above should precede suspension of a student except where the nature of the misconduct requires immediate removal. In such a situation, the notice of the meeting shall follow as soon as reasonably possible after the suspension.
- C. Send a written notice to the parent, custodian, or guardian following such suspension containing: An explanation describing the student's conduct, misconduct or violation of any rules or standards and the reason for the action taken.
- D. Send a copy of the written notice to the superintendent or his designee.

## PRINCIPAL'S GUIDELINES FOR EXPULSION (See procedures for students with disabilities)

In the event the principal is faced with a situation that appears to warrant recommended expulsion of the student, the principal shall:

- A. Investigate the incident.
- B. Prepare a written charge recommending expulsion and send this to the superintendent. If the superintendent decides that there are reasonable grounds for investigation or that investigation is desirable, the superintendent shall, within one school day after such charge is filed, appoint an expulsion examiner.

## PRINCIPAL'S GUIDELINES FOR EXPULSION OF STUDENTS WITH DISABILITIES

In the event the principal is faced with a situation that appears to warrant recommended expulsion of a student with disabilities, the principal shall:

- 1. Investigate the incident.
- 2. Immediately request that the Director of Special Services (or the Section 504 Coordinator in the case of a student eligible under Section 504 of the Rehabilitation Act), convene a case conference committee meeting or Section 504 Team meeting.

If the case conference committee or Section 504 Team determines that no causal relationship exists between the misconduct and the disability, a case conference committee or Section 504 Team report shall be prepared and provided to the principal for inclusion in the materials relating to the written charge.

3. If no causal relationship is found by the case conference committee or Section 504 Team, the principal shall prepare a written charge and send this to the superintendent. If the superintendent deems there is reasonable grounds for investigation or that investigation is desirable, the superintendent shall appoint an expulsion examiner.
4. If expulsion is recommended, the case conference committee or Section 504 Team report and the Notice of Parent Rights shall be transmitted to the parents.

#### EXPULSION EXAMINER'S GUIDELINES

The expulsion examiner shall give a statement to the student and the student's parents, guardian or custodian that a meeting upon the charges has been scheduled and the date, time and place of such meeting. This notice will include information related to the charges, the penalty, outlining the meeting procedure and informing parents as to their rights.

If a student and/or the student's parent, guardian or custodian do not attend or waive their rights to this meeting, all rights, administrative and judicially, to contest and appeal the punishment requested in the charges by the principal or his designee are waived.

The meeting shall be recorded by shorthand reporter or by video or audio tape at the school's expense. No meeting shall be held upon less than two (2) school days' notice to the student, parent and the student's representative of the date and time for such meeting except with their consent.

Upon completion of the meeting, the examiner shall send his/her determination to the superintendent or his designee, to the principal and to the student and parent, custodian or guardian.

The student or his parent may, within ten (10) calendar days following the meeting, appeal the determination of the expulsion examiner to the governing body.

MSD of Wayne Township, Marion County, Indiana

Adopted: December 17, 1979

Revised: August 7, 1995

Revised: September 18, 1995

Revised: October 29, 2014