

STUDENT DUE PROCESS RIGHTS

A breach of the student code of conduct may result in a verbal reprimand, temporary dismissal from the classroom, after school detention, referral to special personnel in school, parent conferences, in school suspension, out of school suspension, expulsion, or such other appropriate discipline determined by the principal or his or her designee.

Indiana law and WWS code of conduct provide for “due process” protections for students facing certain disciplinary consequences. Students may be suspended or expelled for student misconduct or substantial disobedience for any behavior that occurs:

- (1) on school grounds immediately before or during school hours, or immediately after school hours, or at any other time when the school is being used by a school group;
- (2) off school grounds at a school activity, function, or event; or
- (3) traveling to or from school or a school activity, function, or event. (I.C. 20-33-8-14)

Specifically, grounds for suspension and/or expulsion shall include but not be limited to the following:

1. Bringing a firearm, destructive device, or deadly weapon to school or on school property or being in possession of a firearm, destructive device, or deadly weapon on school property (I.C. 20-33-8-16);
2. The use of violence, force, noise, coercion, threat, intimidation, fear, passive resistance, or other conduct constituting interference with school purposes;
3. Damage or theft involving school land or private property;
4. Intentionally causing bodily harm to fellow students or school employees;
5. Intimidating any student with the intent of obtaining money, possessing weapons;
6. Failing in a substantial number of instances to comply with the direction of teachers and the rules of the school;
7. Possessing, using, transmitting or being under the influence of drugs or alcoholic beverages.
8. Bullying or harassment (I.C. 20-33-8-13.5); or
9. 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 (I.C. 20-33-8-15).

A student may be disciplined for urging other students to engage in the above conduct.

In addition, 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, pursuant to I.C. 16-41-9-3.
- B. For non-compliance with immunization requirements, pursuant to I.C. 20-34-4-5.

- C. If the student has been deemed mentally or physically unfit for school attendance pursuant to I.C. 20-33-2-46.
- D. If the student lacks legal settlement in the Corporation and has not informed the Corporation or gone through the transfer process.

TEACHER GUIDELINES FOR A TEMPORARY DISMISSAL

The Corporation staff members should orally or in writing advise the student of the alleged violation of the student code of conduct and allow opportunity for the student to give his or her 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.

PRINCIPAL'S GUIDELINES FOR SUSPENSION

While teachers and other Corporation employees have the authority to take disciplinary action against students who are under their supervision, only the principal or his or her designee may suspend a student from school.

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 Corporation. The principal or the principal's designee should:

- A. Investigate the incident, which includes allowing the student to tell his or her side of the story, and determine whether such suspension is appropriate because of student misconduct or substantial disobedience.
- B. Provide the student an oral or written statement of the charges against the student, a summary of the evidence against him or her and an opportunity to explain his or her 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 or her designee.

Students do not have a right to appeal a suspension to the Superintendent or School Board.

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

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, which includes allowing the student to tell his or her side of the story.
- B. Prepare a written charge recommending expulsion and inform their immediate supervisor (Assistant Superintendent for Elementary or Secondary Education). The Assistant Superintendent shall inform the expulsion examiner.

PRINCIPAL'S GUIDELINES FOR EXPULSION OF STUDENTS WITH DISABILITIES

For purposes of discipline, a “student with disabilities” includes:

1. A student with an IEP;
2. A student with a Section 504 plan;
3. A student whose parent or the Corporation has requested an initial evaluation, or who is currently undergoing an initial evaluation for special education services (511 I.A.C. 7-44-9(b)(2));
4. A student whose parent has expressed concern in writing to Corporation employee, prior to the behavior for which he or she is being disciplined, that the student is in need of special education and related services (511 I.A.C. 7-44-9(b)(1));
5. A student whose teacher or other Corporation employee, prior to the behavior for which the student is being disciplined, expressed specific concern about a pattern of behavior demonstrated by the student directly to the teacher’s supervisor (511 I.A.C. 7-44-9(b)(3));

Students with disabilities may not be suspended more than ten (10) cumulative school days in a single school year without the Corporation conducting a manifestation determination to determine if the student’s behavior is a manifestation of the student’s disability.

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, which includes allowing the student to tell his or her side of the story.
2. Immediately request that the Director of Special Services convene a case conference committee meeting or Section 504 Team meeting to conduct a manifestation determination.

If the case conference committee or Section 504 Team determines that the student’s conduct was not a manifestation of the student’s disability, a case conference committee or Section 504 Team report shall be prepared and provided to the family and the principal for inclusion in the materials relating to the written charge. If the student’s conduct is a manifestation of the student’s disability, the expulsion or additional suspension beyond ten days will not proceed.

3. If the student's conduct was not a manifestation of the student's disability, the principal shall prepare a written charge and send this to the Assistant Superintendent for Elementary or Secondary Education (as described above for general education students).

EXPULSION EXAMINER'S GUIDELINES

The Superintendent has appointed a designated expulsion examiner to oversee all expulsion hearings in the Corporation. If he or she is unavailable or unwilling to serve due to a conflict of interest, the Superintendent shall appoint another expulsion examiner.

Within a reasonable period of time, and in no case longer than five calendar days, the expulsion examiner shall provide a written notice to the student and the student's parents of a right to appear at an expulsion meeting, if they so request. The notice will state that an expulsion meeting has been scheduled and the date, time and place of such meeting. This notice will include information related to the charges (the reason for expulsion), the penalty, outlining the meeting procedure and informing parents as to their rights to request an expulsion meeting. This notice will be delivered in person or sent by certified mail to the student and the student's parent. Unless agreed to by the parties, the meeting will be held at least two instructional days after the notice is received by the student and/or parent.

If a student or the student's parent fails to request and appear at an expulsion meeting, after receipt of the notice of the right to appear, forfeits all rights, administrative and judicially, to contest and appeal the expulsion.

The meeting may be audio recorded at the school's expense and expulsion examiner's discretion. No party may be represented by an attorney or advocate during the expulsion hearing. The expulsion examiner may set limits on the number of witnesses either party may call, or a reasonable time limit on the amount of time a witness or party may testify. The expulsion examiner may issue subpoenas, compel the attendance of witnesses, and administer oaths to persons giving testimony at the expulsion hearing. The expulsion examiner may grant a continuance if the parties agree or one party presents a clear and convincing argument why the expulsion meeting should be continued (for example, a death in the student's family that requires the family to be out of town).

The expulsion examiner will prepare a written summary of the evidence presented at the expulsion meeting, including the disciplinary action determined to be appropriate. Upon completion of the meeting, the examiner shall send his/her determination to the Superintendent or his or her designee, to the principal, and to the student and parent.