STUDENT SUSPENSION PROCEDURE

A. Student Suspension

Definition – **Suspension** means a physical removal of the student from the program or classroom in which he/she is enrolled for a period of time.

Students may be suspended as discipline for violation of program or district rules or policies and/or violation of laws of the State of Michigan. Suspended students shall be accorded all appropriate due process including but not limited to:

1. Notice of the charge and evidence against them.
2. Opportunity to respond to charges and present any evidence they deem appropriate.
3. Opportunity to appeal the suspension as outlined in the student handbook up to and including the superintendent or his/her designee.

B. Teacher Initiated Suspension

A teacher may suspend a student from class, subject, or activity for up to one (1) full school day for certain conduct as specified in the Code of Conduct. The teacher shall immediately send the student to the principal and specify, in writing, the reason for the suspension as specified in the Student Code of Conduct. As soon as possible after the suspension, the teacher shall schedule a parent-teacher conference regarding the suspension. Where practicable, a school counselor, psychologist or social worker shall attend the conference. The principal may attend upon request of the teacher or parent. The student shall not be returned to the class, subject, or activity that school day without the consent of both the teacher and the principal.

C. Suspension of a special education student may require additional review and is subject to the following:

1. The IDEA 1997 requires a manifestation determination review by the individualized educational planning team (IEPT) immediately, if possible, but in no case later than ten school days after the date on which the decision to take disciplinary action is made. The review must be conducted by the IEPT (in a meeting) to determine the relationship between the student’s disability and the behavior subject to a disciplinary action.
2. The district will hold a manifestation determination review when a change of placement occurs due to:

a. A single removal exceeding ten consecutive school days [34 CFR §300.519(a)].

b. A pattern of removals cumulative to more than ten school days in a school year [34 CFR §300.519(b)].

c. School day means any day, including a partial day that students are in attendance at school for instructional purposes.

3. Not later than ten business days after first removing the student for the 11th accumulated school day in a school year, the district will do the following:

a. If the local district has not already conducted a functional behavioral assessment and implemented a behavior implementation plan, the IEPT shall meet to develop an assessment plan to address the problem behavior. The assessment plan shall be conducted as soon as practicable and presented at an IEPT meeting to determine an appropriate behavioral intervention plan to address the behavior.

b. If the student already has a behavioral intervention plan, the IEPT shall meet to review the plan and modify it, as necessary, to address the problem behavior.

c. If the student is subject to further removals during the school year, the school shall contact the IEPT to determine if another IEPT meeting is needed to review the plan. If any member of the IEPT requests a review, the IEPT shall meet to review the behavior intervention plan. The public agency shall take steps to ensure that one or both of the parents of a student with a disability are present at each IEPT meeting, or are afforded the opportunity to participate.

4. In carrying out the review manifestation determination the IEPT and other qualified personnel may determine that the behavior of the student was not a manifestation of the student’s disability only if the IEPT and other qualified personnel first consider, in terms of the behavior subject to disciplinary action, all relevant information including evaluation and diagnostic results, including the results or other relevant information supplied by the parents of the child. If it is determined that the behavior of the student was not a manifestation of a disability, the relevant disciplinary procedures applicable to students without disabilities may be applied in the same manner.
5. A change in placement for a student with a disability to another educational setting may be made by local and district school personnel for not more than 45 calendar days if the student possesses, uses, sells, or solicits illegal drugs, or possesses or carries a weapon to school or a school function. For removals involving drugs or weapons, all of the following must occur:

   a. On the day on which the decision is made to remove the student because of violations involving weapons or drugs, the parents shall be notified of the decision and of all procedural safeguards.

   b. A manifestation determination review must be conducted.

   c. The IEPT must develop or review, as appropriate, a behavior intervention plan.

   d. Programs and services and the interim alternative educational setting are determined by the IEPT. The IEPT must determine what programs/services or modifications are needed to maintain progress in the general curriculum, progress toward IEP goals, and to help prevent recurrence of the behavior subject to discipline.

   e. If the behavior subject to discipline is not a manifestation of the disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student with a disability.

   f. If the IEPT determines that the behavior subject to discipline is a manifestation of the disability, the removal (up to 45 calendar days) may be completed. The IEPT must take immediate steps to remedy any deficiencies in the IEP or placement found during the manifestation determination review. Programs and services must be provided to the student.

   g. If the parent requests a hearing regarding disciplinary actions for drugs or weapons to challenge the interim alternative educational setting and/or the manifestation determination, the student shall remain in the interim alternative educational setting for up to 45 calendar days as assigned.

D. Length of Suspension

The length of suspension shall correspond to times outlined in administrative regulation 8330.00-R(1), section C. This list is the maximum and the administrator may reduce the penalty depending on individual factual situation presented.
E. Student Handbooks

All programmatic student handbooks shall give notice to students and parents of all school rules that may result in suspension. All parents are expected to know and advise their student of appropriate Michigan Law. The handbooks should also clearly detail the appeal process.

LEGAL CITATION: MCLA 380 1311

ADMINISTRATIVE REGULATION

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