

STUDENTS

STUDENT SUSPENSION AND EXPULSION

District students may be suspended or expelled from class, classes or school for reasons and periods of time specified by law.

The superintendent or designee is empowered to suspend a student for up to ten days. The board of trustees delegates authority to the superintendent pursuant to W.S. 21-4-305(d) to suspend any student(s) for a period exceeding ten (10) school days or to expel a student for a period not to exceed one year provided the student is afforded an opportunity for a hearing in accordance with the Wyoming Administrative Procedure Act W.S. 16-3-101 through 16-3-115, as well as the Rules and Regulations of the board of trustees of Weston County School District Number Seven.

The grounds for suspension or expulsion may be:

1. Possession of weapons on district property or at school functions. If the weapon is of the type as defined in Board Policy JICI, the school shall notify the police department of the incident.
2. Willful destruction or defacing of school property.
3. Possession and/or use of tobacco on school property.
4. Fighting, rioting or holding unauthorized demonstrations on or near the school premises during school hours, before or after extracurricular activities, and while students are traveling to or from the school building. An unauthorized demonstration is defined as any activity which disrupts or interferes with the normal learning processes or normal operation of school.
5. The possession of drug paraphernalia or a controlled substance, consumption of, or being under the influence of unlawful drugs, controlled substances, or intoxicating beverages on school premises or at school functions or activities.
6. Torturing, tormenting, bullying or abusing another student or in any way maltreating a student or school personnel with physical and/or verbal assault.
7. Willful destruction of district personnel's property on or off district property.
8. Continued willful disobedience or open defiance of the authority of school personnel. Continued disobedience of school rules and defiance of authority that have resulted in five suspensions from class within a school year (each suspension being a full-day minimum) may result in a recommendation to the superintendent for expulsion. The building principal may recommend for expulsion at any time a student whose behavior is so severe that the education and safety of other students is endangered.
9. The selling of controlled substances on district property or at school functions.

10. Sexual harassment. This includes students against students or students against adults. For definition of sexual harassment see Board Policy ACA.
11. False and/or malicious accusations of sexual harassment. This includes students against students or students against adults. For definition of sexual harassment see Board Policy ACA.
12. Gang related activities/intimidation, and such gang related characteristics as colors, hand signs, graffiti, apparel, jewelry, notebooks, trademarks and any other attributes denoting gang affiliation.
13. Any behavior which in the judgment of the board of trustees is clearly detrimental to the welfare, safety or morals of other students.

Student who are suspended from school are responsible for making up course work.

Suspension or expulsion shall not be imposed as an additional punishment for offenses punishable under the laws of the state, except where the offense was committed at a school function or is of such a nature that continuation of the student in school would be clearly detrimental to the welfare, safety or morals of other students.

SUSPENSION/EXPULSION PROCEDURES

When an administrator authorized to suspend students receives information or allegations of misconduct which would be grounds for suspension or expulsion, he shall immediately notify the student involved and the parent, guardian or custodian of the student. This immediate notification may be oral. The administrator shall specify the nature of the information and why it could be reasons for suspension or expulsion. Within twenty-four hours of the decision to conduct suspension proceedings, the administrator shall give written notice to the parent, guardian or custodian of the student involved.

The administrator shall advise the student and his parent, guardian or custodian of a time set for a hearing at the building level to be held before him regarding the misconduct. The hearing at the building level shall be held within seventy-two hours, not counting Saturday, Sunday or school holidays, after the report of misconduct. The administrator shall advise the student and his parent, guardian or custodian of their right to be present at the hearing and to present any information, explanation, excuse or factor concerning the alleged misconduct.

When the alleged misconduct or incident, if true, would make the continued presence of the student dangerous, disruptive or detrimental to the welfare, safety or morals of other students, threatens disruption of the academic process, or endangers persons or property, the hearing may be held immediately with the student, informing him of the allegations and offering him an opportunity to present any information, explanation, excuse or factor concerning the allegations. The student's parent, guardian or custodian shall be given the

oral notice required prior to the hearing but need not be present in such situations. An opportunity for a hearing at the building level shall still be given in these cases within seventy-two hours of the alleged misconduct.

The hearing for suspension at the building level shall be conducted by one of the administrators authorized to suspend students and shall be informal in nature.

During the hearing for suspension at the building level, the administrator shall inform the student and his parent, guardian or custodian, if present, of the information, allegations, or evidence regarding the incident or misconduct. He shall also inform them of their right to present any information, explanation, excuse or factor. The administrator shall then determine if the reason for suspension is valid. If it is, he shall suspend the student for a period not to exceed ten school days, setting the dates for the suspension. The dates shall commence after the hearing, but they may commence before giving the required written notice in the case of dangerous behaviors as outlined previously.

When a suspension is given, a written notice shall be delivered personally or by certified mail within twenty-four hours after the hearing at the building level to the student and his parent, guardian or custodian. The written notice shall advise them of the fact of suspension, the dates of the suspension, the nature of the incident or misconduct involved, the grounds or reasons for suspension, and if there is to be a recommendation for suspension in addition to the maximum ten school days or for expulsion. If the recommendation is for additional suspension or for expulsion, the notice to parents, guardians or custodians shall also include the information that they may request a hearing before the board of trustees in connection with the recommendation. The request for a hearing before the board of trustees must be made by the parent, guardian, custodian or student (age nineteen), in writing within ten calendar days after their receipt of the notice.

If a timely request for a hearing before the board of trustees is not made by the student's parent, guardian or custodian, the board of trustees shall consider the matter and determine if additional suspension from class, classes or school or if expulsion from school shall be imposed.

If a timely request for a hearing before the board of trustees is made by the student's parent, guardian or custodian, the board of trustees shall set a date for the hearing at a time not more than twenty calendar days after receiving the request for the hearing. The individual requesting the hearing before the board of trustees shall be advised of the time, place and nature of the hearing. They shall also be advised of the allegations of misconduct or the incident and the fact that the hearing shall be held under the authority and jurisdiction provided by law, the Wyoming Administrative Procedures Act and procedures adopted by the board of trustees.

SUSPENSION/EXPULSION OF STUDENTS WITH A DISABILITY
ACCORDING TO SECTION 504 OF THE REHABILITATION ACT OF 1973

Students with a disability according to Section 504 of the Rehabilitation Act of 1973 enrolled in district programs may be suspended or expelled in the same manner and for the same reasons as other students provided all district, state and federal requirements are met prior to imposing the suspension or expulsion.

The school district may order a change in placement of a student with a disability to an interim alternative educational setting for the same time period that a student without a disability would be subject to discipline, but not for more than forty-five school days if the student at a school or school function carries a weapon, possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance or inflicts serious bodily injury upon another person.

The school district may suspend or expel a student with a disability for a period which exceeds ten official school days, but does not exceed one school year if:

1. The school district determines that the student has engaged in conduct which would warrant suspension of such duration if the student were not a student with a disability according to Section 504 of the Rehabilitation Act of 1973.
2. The 504 team determines that the student's conduct is not related to the student's disability, based on current assessment data and current 504 information.
3. Prior to suspension or expulsion a student is afforded all due process rights, including the right to a due process hearing.

The district will implement and follow all federal regulations and state rules regarding discipline procedures for students with disabilities.

SUSPENSION/EXPULSION OF STUDENTS WITH DISABILITIES

Students enrolled in district programs for students with disabilities may be suspended or expelled in the same manner and for the same reasons as other students provided all district, state and federal requirements are met prior to imposing the suspension or expulsion.

The school district may suspend a student with a disability from school for a period up to ten cumulative official school days in a given school year, without an Individual Education Program (IEP) team meeting provided that the student is engaged in conduct which would warrant suspension for a student without a disability.

During a suspension period (of ten or less cumulative school days in a given school year), no educational services are required. The school district may not use consecutive short term suspensions totaling more than ten cumulative official schooldays in a given school year for a student with disabilities without reconvening an IEP team meeting. The school district may suspend a student for more than ten cumulative official school days in a given school year if the IEP team determines that the student's conduct is not related to the student's disability, assessment data is current and the student's current placement and services are deemed appropriate (the IEP team may request a new or more current multidisciplinary evaluation). If a student with a disability is removed more than ten school days in a given school year, the IEP team shall determine the extent to which services are necessary to enable the student to progress in the general curriculum and advance toward achieving the goals set out in the student's IEP.

The school district may order a change in placement of a student with a disability to an interim alternative educational setting for the same time period that a student without a disability would be subject to discipline, but not for more than forty-five school days if the student at a school or school function carries a weapon, possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, or inflicts serious bodily injury upon another person.

Expulsion is considered a change of placement for a student with a disability. The school district may suspend or expel a student with a disability for a period which exceeds ten official school days, but does not exceed one school year if:

1. The school district determines that the student has engaged in conduct which would warrant suspension of such a duration if the student were not disabled.
2. The IEP team determines that the student's conduct is not related to the student's disability, based on current assessment data and current IEP information (the IEP team may request a new or more current multidisciplinary evaluation).
3. Prior to suspension or expulsion a student is afforded all due process rights described in Wyoming Department of Education (WDE) rules, including the right to a due process hearing.
4. The IEP team determines and must offer alternative methods of providing the student's special education and related services for the identified disability during the expulsion period.

THE DISTRICT WILL IMPLEMENT AND FOLLOW ALL FEDERAL REGULATIONS AND STATE RULES REGARDING DISCIPLINE PROCEDURES FOR STUDENTS WITH DISABILITIES.

The following procedures must be implemented for students with a disability who are being considered for suspensions (longer than ten cumulative official school days in a given school year) or expulsion:

1. Complete the discipline procedures for suspension and expulsion in the same manner as for students who are not identified as disabled.
2. Provide **written notice of IEP meeting to parents** within a reasonable time before conducting the IEP meeting to determine the relationship of the student's behavior to the disability.
3. Within ten business days, conduct an IEP meeting including the parents, person knowledgeable in the area of the disability, administrator, special education teacher and regular education teacher of the student. A school psychologist must be involved for students diagnosed as emotionally disabled.
4. The following procedures must be completed by the IEP team if they had not been completed before the disciplinary incident occurred:
 - a. Schedule a meeting to **conduct a functional behavioral assessment** within ten business days of removal of the student that exceeds ten days.
 - b. Review and/or develop a behavioral intervention plan (if appropriate).
 - c. **Complete a manifestation determination** to accurately record the determinations of the meeting including the completion of the manifestation determination, functional behavioral assessment and behavioral intervention plan.
5. **Provide parents their procedural safeguards** and receive an explanation of the document including the right of the student's parents to initiate an impartial due process hearing.
6. If the behavior is a manifestation of the disability, expulsion or long-term suspension is not possible, and the IEP team should consider the need to revise the student's present individual education program.
7. If the behavior is not a manifestation of the disability, expulsion or long-term suspension is possible. If the student is expelled or suspended, the IEP team is required to revise the student's individual education program. Procedures for expulsion or long-term suspension must be followed.
8. If a student with a disability is suspended (longer than ten cumulative days in a given school year) or expelled, the special education services must be continued. If homebound services are requested, request for homebound services are required to be completed and sent to the special programs office.

9. If the parents formally request in writing to the Wyoming Department of Education a due process hearing, the student remains in the current interim alternative educational setting.
10. If a student with a disability is in possession of a weapon, possesses or uses illegal drugs, or solicits the sale of a controlled substance, or inflicts serious bodily injury upon another person, the student may be placed in an interim alternative educational setting to be determined by the IEP team for up to forty-five school days. If the parents initiate a due process hearing, the interim alternative educational placement remains in effect. If the parent and the school district cannot agree to another placement, the school district may initiate procedures to obtain a court order for the change of placement.
11. A hearing officer, in an expedited due process hearing, may order a change in placement of a student with a disability to an interim alternative educational setting for not more than forty-five school days if he/she determines that the current placement of the student is substantially likely to result in injury to the student or others.