

Infinity Charter School

SECTION: STUDENT POLICIES

**TITLE: STUDENT EXPULSION,
SUSPENSION AND DUE
PROCESS**

APPROVED: August 22, 2004

REVISED: September 13, 2004

No. 316 STUDENT EXPULSION, SUSPENSION AND DUE PROCESS

PURPOSE:

At Infinity, all students will be afforded due process.

The Board of Trustees shall define and publish the types of offenses that would lead to exclusion from school. Exclusions affecting certain exceptional students shall be governed by all applicable sections of the Public School Code (relating to discipline). If a student commits such an offense, the following procedures are followed.

GUIDELINES:

I. In-school Suspension:

- A. In-school suspensions may be imposed only by the CEO/Director or the Board of Trustees.
- B. No student should receive an in-school suspension unless the student has been informed of the reasons for the suspension and has been given an opportunity to respond before the suspension becomes effective.
- C. Parents or guardians shall be notified of the suspension action by the school.
- D. If an in-school suspension exceeds ten (10) consecutive days, an informal hearing with the CEO/Director shall be offered to the student and the student's parents or guardian prior to the eleventh (11th) school day in accordance with the following informal hearing procedures.
- E. The informal hearing is to enable the student to meet with the appropriate school official to explain the circumstances surrounding the event (s) for which the student is being suspended or to show why the student should not be suspended. The informal hearing is meant to encourage the student's parents or guardians to meet with the CEO/Director to discuss ways in which future offenses can be avoided. The informal hearing shall have the following due process elements:
 1. Notification of the reasons for suspension shall be given in writing to the parents or guardians and to the student;
 2. Sufficient notice of the time and place of the informal hearing shall be given;
 3. A student shall have the right to question any witness;
 4. Educational assignments will be made to the student during the period of the in-school suspension.

II. Out-of-school Suspension:

- A. Out-of-school suspensions may be imposed only by the CEO/Director or the Board of Trustees.
- B. No student shall be suspended until the student has been informed of the reasons for the suspension and given an opportunity to respond. Prior notice of the intended suspension need not be given when it is clear that the health, safety or welfare of the school community is threatened.
- C. The parents shall be notified in writing when the student is suspended.
- D. If a suspension exceeds (3) school days, the student and parents shall be given the opportunity for an informal hearing consistent with the informal hearing requirements set forth previously with respect to in-school suspensions.
- E. Out-of-school suspensions may not be made to run longer than ten (10) consecutive school days.
- F. Students have the responsibility to make up examinations and work missed and shall be permitted to complete their assignments in compliance with administrative practice.

III. Formal Hearing/Expulsion

The Board of Trustees is permitted to expel a student. Expulsion is the exclusion from school for a period exceeding ten (10) school days and includes permanent expulsion. All expulsions require a formal hearing.

During the period prior to the hearing and decision of the Board of Trustees in an expulsion case, the student shall be placed in his normal class except if an in-school or out-of-school suspension is imposed in accordance with this Policy, or if it is determined after an informal hearing that the student's presence in his normal class will constitute a threat to the health, safety, morals, or welfare of others, and it is not possible to hold a formal hearing within the period of a suspension.

Whenever any student is referred to the Board of Trustees, a formal hearing is to be held before the Board or a duly authorized committee of the Board, or a qualified hearing examiner appointed by the Board. When the hearing is conducted by a committee of the Board or a hearing examiner, a majority vote of the entire Board is required to expel a student.

The following due process requirements are to be observed with regard to the formal hearing:

- A. Notification of the charges shall be sent to the student's parents or guardians by certified mail.
- B. Sufficient notice of the time and place of the hearing must be given. The hearing shall be held in private unless the student or parent request a public hearing.
- C. The student has the right to be represented by counsel.
- D. The student has the right to be presented with the names of witnesses against the student, and copies of the statements and affidavits of those witnesses.
- E. The student has the right to request that any such witnesses appear in person and

answer questions or be cross-examined.

- F. The student has the right to testify and present witnesses on his or her own behalf.
- G. A record must be kept of the hearing, either by a stenographer or by tape recorder.
- H. The student is entitled, at the student's expense, to a copy of the transcript.
- I. The proceeding must be conducted with all reasonable speed.