

Attendance Exemptions: Suspension and Expulsion

Suspension

The superintendent or any building principal of Bruneau-Grand View Joint School District No. 365 shall have the power to temporarily suspend any pupil for disciplinary reasons or for other conduct disruptive of good order or of the instructional effectiveness of the school. Such temporary suspension by the principal shall not exceed five (5) school days.

Prior to suspending any student, the superintendent or principal shall guarantee the due process rights of the student by following the steps outlined below:

- The superintendent or principal shall determine that a student has been involved in a disciplinary problem or has engaged in conduct disruptive to good order of the instructional effectiveness of the school.
- The superintendent or principal shall confront the student in person and shall inform him of the charges against him.
- The student shall be allowed to challenge and respond to the charges by presenting his side of the case.
- After hearing the student's challenge or response, the superintendent or principal shall decide whether or not to suspend the student.
- If the decision is made to suspend the student, the superintendent or principal shall tell the student the length of the suspension and any conditions under which the suspension will be lifted and the student readmitted to school.
- The principal shall notify the parents of suspended students on the day of suspension, if possible. Suspended students will be kept at school if parents or other acceptable adults cannot take the student home. A conference with the parent/guardian shall be conducted by the principal following a suspension, if requested by the parent/guardian or administration.

The superintendent may extend the temporary suspension an additional ten (10) school days. Provided, that on a finding by the board of trustees that immediate return to school attendance by the temporarily suspended student would be detrimental to other students' health, welfare or safety, the board of trustees may extend the temporary suspension for an additional five (5) school days.

Expulsion

The school board may, by expulsion, deny attendance at any of its schools to any student who is habitually truant, or who is incorrigible, or whose conduct, in the judgement of the board, is such as to be continuously disruptive to normal discipline, or to the instructional effectiveness of the school, or whose presence in the school is detrimental to the health and safety of other pupils. Any pupil having been expelled may be readmitted to the school by the school board upon such reasonable conditions as may be prescribed by the board. Such readmission shall not prevent the board from again expelling such pupil for cause.

When a principal shall decide that, in his or her judgement, a student should be expelled, he shall notify the superintendent in writing of his/her recommendation and the reasons therefore. The principal shall also notify the parent or guardian in writing that such recommendation is being made.

Upon receipt of a recommendation to expel, the superintendent will, when possible, arrange a conference with the student and parents/guardians involved. The superintendent shall have authority either to accept or reject the recommendation of the building principal. If the superintendent accepts the recommendation of the principal to expel the student, he/she shall, on behalf of the school board, give written notice to the parent or guardian that action to expel the student is being initiated. Such written notice shall state the grounds for the proposed expulsion and the time and place when the parent or guardian may appear to contest the action of the board to deny school attendance. The notice shall state the rights of the pupil to be represented by counsel, to produce witnesses and submit evidence on his/her own behalf, and to cross-examine adult witnesses who may appear against him/her.

Within a reasonable time following such notification, the board shall grant the student and his parents or guardian a full and fair hearing on the proposed expulsion. The board shall allow a reasonable period of time between such notification and the holding of the hearing to allow the student and his parent/guardian to prepare their response to the charges.

Any pupil who is within the age of compulsory attendance, who is expelled as provided herein, shall be reported by the filing of a petition, signed by the building principal or superintendent, with the magistrate division of the District Court of the County of the pupil's residence.

Legal source: Idaho Code 33-205 "Denial of school attendance."
 Idaho Code 33-206 "Habitual truant defined."

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Revised: