



Book	Policy Manual
Section	Policies for the Board
Title	Copy of SUSPENSION AND EXPULSION OF STUDENTS
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5610 - **SUSPENSION AND EXPULSION OF STUDENTS**

The School Board recognizes that removal from the educational programs of the School Corporation, whether by suspension or expulsion, is the most severe sanction that can be imposed on a student in this Corporation and one that cannot be imposed without due process since removal deprives a child of the right to an education.

No student is to be suspended and/or expelled from an activity, program, or a school unless The student's behavior represents misconduct or substantial disobedience while the student is 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; off school grounds at a school activity, function, or event; or traveling to or from school or a school activity, function, or event. This includes but is not limited to bringing to or possessing at school a firearm, deadly weapon, or destructive device.

In addition to the grounds specified above, a student may be suspended or expelled for engaging in unlawful activity on or off school grounds if the unlawful activity may reasonably be considered to be an interference with school purposes or an educational function, or the student's removal is necessary to restore order or protect persons on school property, including any unlawful activity during weekends, holidays, other school breaks, and the summer period when a student may not be attending classes or other school functions.

Furthermore, a student may be suspended or expelled for bullying, regardless of the physical location in which the bullying occurred, whenever:

- A. the individual committing the bullying behavior and any of the intended targets of the bullying behavior are students attending a school within a school corporation; and
- B. disciplinary action is reasonably necessary to avoid substantial interference with school discipline or prevent an unreasonable threat to the rights of other to a safe and peaceful learning environment.

A student also may be expelled when the student's legal settlement is not within the Corporation's attendance area.

District personnel shall enforce provisions of the student code of conduct so that students demonstrating unacceptable behavior and their parents, guardians or legal custodians understand that such behavior shall not be tolerated and shall be dealt with according to the code.

However, it is the belief of the Board that available alternatives should be explored to help students who are at risk of expulsion before expulsion becomes a necessary step. Expulsion shall be regarded as a punishment of last resort unless a student's behavior would cause imminent harm to others in the school, or when State law or the school's conduct and discipline codes require automatic expulsion. The principal of each school shall work with the professional staff to identify students who are at risk of suspension or expulsion. Among those students who may be at risk are those who have been or are likely to be declared habitually truant or habitually disruptive.

The District, working with the student's parent/guardian, shall provide students who are identified as at risk of suspension or expulsion with a plan to provide necessary support services to help them avoid expulsion. Services may include:

- A. Educational services (tutoring, alternative educational programs or vocational programs that provide instruction in the academic areas of reading, writing, mathematics, science and social studies)
- B. Counseling services
- C. Drug or alcohol addiction treatment programs
- D. Family prevention services

In some cases, a remedial discipline plan may be the means by which various intervention and prevention services are identified and made available to a student. Support services may be provided through agreements with appropriate local governmental agencies, community-based organizations and institutions of higher education.

The failure of the school district to identify a student for participation in an expulsion prevention program or the failure of such program to remediate a student's behavior shall not be grounds to prevent school personnel from proceeding with appropriate disciplinary measures.

A Student Code of Conduct, approved by the Board, shall specify the procedures to be followed by school officials when administering this policy. In addition to the procedural safeguards and definitions set out in this policy and the student/parent handbook, the procedures set forth in **Board Policy 5605 - Suspension and Expulsion of Students with Disabilities** shall apply to students identified as having a disability under the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. 1400 et seq., or Section 504 of the Rehabilitation Act of 1973 ("Section 504"), 29 U.S.C. 794.

For purposes of this policy and the Superintendent's administrative guidelines, the following definitions shall apply:

- A. 'Suspension' means any disciplinary action that does not constitute an expulsion whereby a student is separated from school attendance for a period not to exceed ten (10) school days. A student may be suspended for a longer period of time in accordance with the provisions of I.C. 20-33- 8-23 pending expulsion. If a student is suspended, the student is required to complete all assignments and school work assigned during the period of the student's suspension. The principal or the principal's designee shall ensure that the student receives notice of any assignments or school work due and teacher contact information in the event that the student has questions regarding the assignments or schoolwork. The student will receive credit, in the same manner as a student who is not suspended would receive, for any assignments or school work assigned during the period of the student's suspension that the student completes. The student shall be allowed to make up missed tests or quizzes when the student returns to school.
- B. 'Expulsion' means a disciplinary or other action where by a student is:
 1. separated from school attendance for a period exceeding ten (10) school days;
 2. separated from school attendance for the balance of the current semester or current year unless a student is permitted to complete required examinations in order to receive credit for courses taken in the current semester or current year; or
 3. separated from school attendance for at least one (1) calendar year pursuant to I.C. 20-33-8-16 for possession of firearms, deadly weapons or destructive devices, which may include an assignment to attend an alternative school, an alternative educational program, or a homebound educational program.

The term does not include situations when a student is disciplined under I.C. 20-33-8-25, removed from school pursuant to I.C. 20-34-3-9, or removed from school for failure to comply with the immunization requirements of I.C. 20-34-4-5.

Any student who brings a firearm, as defined in I.C. 35-31.5-2-86 or a destructive device, as defined in I.C. 35-47.5-2-4 to school or onto school property or at a school-related activity or is in possession of a firearm shall be expelled for at least one (1) calendar year unless the Superintendent reduces the punishment for reasons justified by the particular circumstances of the incident.

If the student brings a deadly weapon as defined in I.C. 35-41-1-8 onto Corporation property or is found to possess a deadly weapon on Corporation property or at a school-related activity, the student shall be expelled for a period of not more than one (1) calendar year. The Superintendent shall notify the law enforcement agency designated by the Prosecuting Attorney immediately when a student possesses a firearm, destructive device, or deadly weapon on school property or at a school-related activity.

The Superintendent shall ensure that a copy of this policy is sent to the State Department of Education as well as a description of the circumstances surrounding any expulsions for the above-stated firearms or weapons offense together with the name of the school, the number of students so expelled, and the types of firearms or weapons that were brought on Corporation property.

The Corporation shall prepare annually a list of:

1. alter native education programs in the same county in which the Corporation is located or a county immediately adjacent to the county in which the Corporation is located; and
2. virtual charter schools

in which a student may enroll if the student is expelled. The list must contain contact information for the entities described above and must provide the student and the student's parent notice that the student may be required to comply with I.C. 20-33-2 or any statute relating to compulsory school attendance in accordance with I.C. 20-33-8-31. A copy of the list shall be provided to the student or the student's parent at the expulsion meeting. If the student or the student's parent fails to attend an expulsion meeting, a copy of the list shall be mailed to the student's residence.

If a student is expelled from school or from any educational function, the student's absence from school because of the expulsion is a violation of I.C. 20-33-2 or any other statute relating to compulsory school attendance if the student may enroll in:

1. an alternative education program in the county where or in a county immediately adjacent to the county where the Corporation from which the student was expelled is located; or
2. a virtual charter school

and the student does not enroll in an alternative education program or a virtual charter school during the student's expulsion. In the event an alternative education program or virtual charter school is not available for a student to attend under this subsection, the student's expulsion is not a violation of I.C. 20-33-2 or any other statute relating to compulsory school attendance.

The Board has voted not to hear any expulsion appeals. Instead, appeals of expulsion must be filed with the County Circuit or Superior Court.

The Superintendent shall develop administrative guidelines ~~which~~ **that** provide appropriate procedures for implementing this policy and comply with applicable statutes.

The Board authorizes the Superintendent to develop administrative guidelines to provide for the referral of a student to the juvenile court.

The Principal shall report all expulsions and second suspensions to the Bureau of Motor Vehicles in accordance with law and the Bureau's guidelines.

Retention of Public Records, Student Records, and Investigatory Records and Materials

All individuals charged with imposing discipline under this policy shall retain all information, documents, electronically stored information ("ESI"), and electronic media (as defined in **Board Policy 8315 - Information Management**) created and received as part of an investigation of student misconduct and disciplinary action taken, including but not limited to reports, admissions, witness statements, documentary evidence, audio, video and/or digital recordings, handwritten and contemporaneous notes, emails related to the allegations, investigation and disciplinary action, printouts, letters, determinations, and summaries. The information, documents, ESI, and electronic media (as defined in **Board Policy 8315 - Information Management**) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

The information, documents, ESI, and electronic media (as defined in **Board Policy 8315 - Information Management**) created or received as part of an investigation of student misconduct or disciplinary action taken shall be retained in accordance with **Board Policy 8310 - Public Records**, **Board Policy 8315 - Information Management**, ~~Policy 8320~~, and **Board Policy 8330 - Student Records** and the Corporation's records retention schedule.

Virtual Discipline Policy

It is the policy of New Prairie United School Corporation that student discipline is recognized as essential to the orderly operation of any school and classroom. In order to maintain an environment conducive to quality education, this Virtual Discipline Policy has been created by corporation personnel and reviewed by the corporation's attorneys. The purpose of this Virtual Discipline Policy is to clarify expectations for student conduct in the virtual classroom and to provide notice of the possible consequences of inappropriate conduct in the virtual classroom.

Student conduct shall be governed, at all times, and regardless of the mode of instruction, by Ind. Code § 20-33-8 *et seq.*, the corporation's Student Discipline Policy, and the Student Disciplinary Code as set forth in each school's handbook. Conduct that is unacceptable in the physical classroom or on school grounds is equally unacceptable in the virtual classroom. While students and parents have an expectation of privacy in their home, conduct that occurs in front of a camera, and in view of peers and teachers in the virtual classroom, shall be governed by applicable law and corporation policy. Cameras must be turned on in order for students to engage in virtual instruction. The purpose of the camera is to document attendance, to ensure student participation and engagement, and to safeguard academic honesty and integrity. Parents and students are cautioned, however, that the camera will capture activity that takes place within its frame and that there is no expectation of privacy with regard to any activity that takes place on camera in view of teachers and pupils in the virtual classroom.

The context in which student behavior occurs is important and may be taken into consideration by school and corporation administrators in determining whether there has been a violation of the Student Discipline Policy or the Student Disciplinary Code, the severity of the infraction, and the appropriate penalty, if any, under the circumstances.

A student subject to discipline under this Policy, the Student Discipline Policy, or the Student Disciplinary Code shall be entitled to due process as set forth by law.

Privacy and the Virtual Classroom

Students and parents have a reasonable expectation of privacy with regard to what takes place in their home *outside of the view of teachers and peers in the virtual classroom*. Students should be cautioned that the virtual classroom is for instruction and for engaging with peers and teachers for educational purposes. Students shall not handle or display personal items, toys or images, or engage in conduct unrelated to the lessons taking place. Students who engage in conduct in the virtual classroom that, if it were to have taken place in the physical classroom or on school grounds, violates the Student Discipline Policy or the Student Disciplinary Code shall be subject to discipline in accordance with the Student Discipline Policy, the Student Disciplinary Code, and/or this Policy.

School and/or corporation officials may be required, as mandatory reporters, to alert local law enforcement and/or the Department of Child Services if they have reason to believe that a student is in imminent danger and that the safety and well-being of the student is at risk. This may include students handling or displaying firearms, explosives, or other weapons in the virtual classroom, even if it is subsequently learned that the firearm, explosive, or other weapon is a toy or facsimile, as it is not always possible to determine remotely whether the firearm, explosive, or other weapon is real or not.

Conduct in the Virtual Classroom

Parents, guardian, teachers, and school personnel are expected to work together to improve student behavior and academic performance. School staff will endeavor to communicate with parents/guardians regarding student behavior that interferes with the learning environment.

Students are responsible for all content posted through their online account. Students are prohibited from sharing their online account username or password or using the username or password of another student. A student who learns that their username or password is being used by someone else must report the issue immediately to the teacher and/or principal.

The following is a *non-exclusive* list of behaviors that are prohibited in the virtual classroom and that may result in disciplinary action in accordance with the Student Discipline Policy and the Student Disciplinary Code as set forth in the school's handbook and this Policy (see additional prohibited behaviors in the Student Discipline Policy and the Student Disciplinary Code):

- Antagonistic or discriminatory language of any kind with regard to race, religion, gender, intelligence, age, orientation, disability or socioeconomic status
- Bullying/Cyberbullying
- Threatening or intimidating other persons

- Use of obscene, degrading, or profane language (written, verbal, pictures, drawings, audio, video)
- Displaying pornography, nudity, or images of nudity
- Committing lewd or sexual acts
- Handling or displaying firearms, explosives, or other weapons, including toys or facsimiles
- Possessing, using, manufacturing, and/or distributing tobacco, drugs, alcohol, or vaping products
- Any criminal or other illegal activity encouraging the unlawful use, possession, manufacture, or distribution of tobacco, drugs, or alcohol

Conduct in the virtual classroom related to the display or handling of firearms, explosives, or other weapons (including toys or facsimiles) or drugs, or other conduct that raises legitimate concerns about the safety and welfare of a student, must be reported immediately to the school principal and School Resource Officer in order to assess whether the matter must be reported to local law enforcement and/or the Department of Child Services.

Consequences of Inappropriate Online Conduct

Students are expected to conduct themselves appropriately while under school supervision and to comply with the policies that govern student conduct. Parents and students must be aware that conduct that is unacceptable and disruptive in the physical classroom environment or on school grounds is equally unacceptable in the virtual classroom. The School Board recognizes, however, that virtual learning is still a new experience for students and families, and that the context in which student conduct occurs may be taken into account in determining the appropriate penalty, if any, imposed for violations of the Student Discipline Policy or the Student Disciplinary Code in the virtual classroom.

Student conduct in the virtual classroom shall be subject to the same progressive discipline standards as if the conduct occurred in the physical classroom or on school grounds, as set forth in the Student Discipline Policy and the Student Disciplinary Code. It is important to remember that the seriousness of the conduct at issue will dictate the actions of the administrators and the nature of the penalty ultimately imposed. A student may be subject to a severe penalty even for a first offense, depending on the seriousness of the conduct at issue.

I.C. 20-8-33-33

I.C. 20-18-2-6.5

~~I.C. 20-20-8-8(a)(17)~~

I.C. 20-33-2

I.C. 20-33-2-25

I.C. 20-33-8-3

I.C. 20-33-8-7

I.C. 20-33-8-13.5

I.C. 20-33-8-14

I.C. 20-33-8-15

I.C. 20-33-8-16

I.C. 20-33-8-17

I.C. 20-33-8-18

I.C. 20-33-8-19

I.C. 20-33-8-20

I.C. 20-33-8-21

I.C. 20-33-8-22

I.C. 20-33-8-23

I.C. 20-33-8-24

I.C. 20-33-8-25

I.C. 20-33-8-26

I.C. 20-33-8-28

I.C. 20-33-8-31

I.C. 20-33-8-34

I.C. 20-34-3-9

I.C. 20-34-4-5

I.C. 35-31.5-2-86

I.C. 35-47-1-5

I.C. 35-47.5-2-4

20 U.S.C. 1400 et seq., Individuals with Disabilities Education Act (IDEA)

20 U.S.C. 7151

29 U.S.C. 794, Section 504 of the Rehabilitation Act of 1973) (Section 504)

Cross Reference

po5111 - DETERMINATION OF LEGAL SETTLEMENT AND ELIGIBILITY FOR ENROLLMENT OF STUDENTS WITHOUT LEGAL SETTLEMENT IN THE CORPORATION; PROOF OF INDIANA RESIDENCY

po5605 - SUSPENSION AND EXPULSION OF STUDENTS WITH DISABILITIES

po8310 - PUBLIC RECORDS

po8315 - INFORMATION MANAGEMENT

po8330 - STUDENT RECORDS

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Legal

I.C. 20-18-2-6.5

I.C. 20-20-8-8(a)(17)

I.C. 20-33-2-25

I.C. 20-33-8-3

I.C. 20-33-8-7

I.C. 20-33-8-13.5

I.C. 20-33-8-14

I.C. 20-33-8-15

I.C. 20-33-8-16

I.C. 20-33-8-17

I.C. 20-33-8-18

I.C. 20-33-8-19

I.C. 20-33-8-20

I.C. 20-33-8-21

I.C. 20-33-8-22

I.C. 20-33-8-23

I.C. 20-33-8-24

I.C. 20-33-8-25

I.C. 20-33-8-26

I.C. 20-33-8-28

I.C. 20-33-8-34

I.C. 35-31.5-2-86

I.C. 35-47-1-5

I.C. 35-47.5-2-4

20 U.S.C. 7151