

*Policy*

**SUSPENSION**

*Code JDD Issued 3/16/22*

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It is the policy of this Board to provide due process of law to students, parents and school personnel through procedures for the suspension or expulsion of students that are consistent with federal law, State law and regulation and local policy.

According to State law, the Board may suspend a student from school for commission of any crime, gross immorality, gross misbehavior, persistent disobedience or for violation of written rules and regulations established by the District Board of Trustees or the State Board of Education. The Board may also suspend a student when the presence of the student is detrimental to the best interest of the school.

Suspension is the exclusion of a student from school and school activities for a period of time not to exceed 10 school days for any one offense.

The Board delegates the power of suspension to the administrator or his/her designee. The Board uses the word suspension in this policy to mean either suspension from school or in-school suspension as determined by the administrator or his/her designee.

When a student is suspended, the parent/guardian of the student will be notified, in writing, of the reasons for such suspension and of a time and place when the administrator who initiated the suspension is available for a conference with the parent/guardian. The conference will be set within three days of the date of the suspension.

Suspensions may be appealed as follows.

To the principal or director if the decision to suspend was initially made by a school level administrator other than the principal or director.

To the District hearing officer if the decision to suspend was initially made by the building principal or director. In those cases where the appeal was held by the principal, the student may, if he/she chooses, petition the hearing officer for a second appeal conference. Any such petition must be in writing and served on the hearing officer within two school days of the student's receipt of the decision of the principal. The petition must state the specific basis upon which the student is requesting a second appeal. Whenever the hearing officer receives such a petition, he/she will review the suspension and the appeal, and determine whether to conduct a second appeal conference. Within two days of receipt of the petition, the hearing officer will respond, in writing, noting whether or not a second appeal will be conducted. If there is a second appeal hearing, the student and his/her parent/guardian will inform the hearing officer of their position regarding what has occurred. Following the hearing, if deemed necessary, the hearing officer may collect additional information from staff

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members, students or others. The hearing officer will provide a written decision on the appeal within two school days following the hearing. The decision of the hearing officer ends the appeals process for suspensions.

The Board or its designee must review suspensions that occur within the last 10 days of the school year which would make a student ineligible to receive credit for the school year.

The Board or its designated administrator may transfer a student to another school in lieu of suspension, but only after a conference or hearing with the parent/legal guardian. The parent/legal guardian may appeal a transfer made by an administrator to the Board.

Whenever a student who is classified as disabled commits a suspendable offense, the administrator or his/her designee will confer with the director of Student Services before initiating suspension procedures (see Policy JCD/JCD-R Student Code of Conduct).

Adopted 8/18/98; Revised 3/15/22

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Legal references:

- A. South Carolina Code, 1976, as amended:
  - 1. Section 59-19-90(3) – Gives district trustees authority to prescribe rules of pupil conduct, including provisions for suspension or dismissal of those failing to comply with such rules.
  - 2. Section 59-63-210, et seq. – Grounds for suspension, expulsion or transfer
  - 3. Section 59-63-240 – Expulsion hearings - times, procedures, legal rights appeals.