


APPENDIX VI – 65

 Tucson, Arizona POLICY REGULATION	REGULATION TITLE: Student Discipline – Short-Term Suspension
	CODE: JK – R1
	LEAD DEPARTMENT: Academic Leadership

Definitions

Most terms used in this document are defined in context. Since certain terms are not necessarily contextually defined, they are given immediately below.

“Abeyance Contract” is a contract between the parent, student and the school that sets forth the conditions under which the school agrees to not impose a suspension. If the student violates the agreement, the suspension will automatically be reinstated at that time without further process.

“Violation” is conduct which is prohibited at the District and which is identified as a violation in the “Guidelines for Student Rights and Responsibilities.”

"Parent" refers to a single parent, both parents, or to the person or persons with legal custody of the student.

"School Official" refers to any person granted the power to suspend students by the Governing Board.

“Short-Term Suspension” is the removal of a student from school and school activities for a period of time from a fraction of one (1) day through ten (10) school days' duration.

“Short-Term Pending Long-Term Suspension” is the initial removal of a student from school pending the formal due process proceedings required for long-term suspensions.

Alternatives to Suspension

Prior to any determination to suspend a student, the administrator shall first consider the use of appropriate alternatives to suspension, including, but not limited to: restorative conference, abeyance contract, or In-School Intervention.

Short-Term Suspension Procedures:

1. Required Rudimentary Due Process
 - a. As soon as possible following an alleged violation, the student shall be given oral or written notice of the alleged misconduct.
 - b. If the student denies the allegation, the school official shall explain the evidence of the misconduct to the student.
 - c. The school official shall give the student the opportunity to present the student's own version of the situation.
 - d. The three elements given above constitute the "rudimentary due process" required before any disciplinary action may be taken whether it results in in-class/school discipline or short-term suspension.
 - i. Such due process may be accomplished in a matter of minutes. Its purpose is to ensure that the facts of the situation are as clear as possible to the people concerned before any action is taken.
 - ii. The school official implementing the procedure is a fact finder. That school official must be satisfied that the student in fact did what the student was accused of doing.
 - iii. A student may be immediately removed from school without prior use of the due process procedures described above if the student's presence in school poses a continuing clear and present danger to persons or property or an ongoing threat of disrupting the academic process. However, due process shall be afforded as soon as possible and prior to the imposition of discipline. Only under emergency conditions, such as, when the student is not available for interview, may due process be provided following the application of discipline.
2. Decision
 - a. Following the informal process described above and, if the facts warrant, the student may be suspended from school for a fraction of a day through ten school days.
 - b. The effective date of the suspension is the first day the student is out of school for half of the day (or more).
 - c. If the student must be released during the normal school day, an effort shall be made to contact the parent immediately. If the parent cannot be

contacted, the student shall be kept at school until the end of the normal school day.

3. Written Notification: The Suspension Notice (See JK-R1-E1)

- a. The suspension notice (JK-R1-E1), giving notice of the short-term suspension must be delivered to the student whenever possible. A copy must be mailed to the parent through first class mail no later than the first day of the suspension and the school shall retain a copy in the student's cumulative record folder.
- b. Meaningful Access: The notice shall be written in the home language. If the notice cannot be translated on the first day of suspension, the parent shall be informed in their home language by telephone or in person.
- c. Notification of the short-term suspension shall be sent to The Office of Student Equity within three days of the effective date of the suspension.

4. Parent Conference

If at all possible, a parent conference shall be held at the time of the imposition of a short-term suspension.

- a. The purpose of the parental conference is to reach a satisfactory and workable solution to the problem the student is experiencing.
 - b. As a result of this conference, the school official may opt to offer the student and parent the opportunity to have the suspension held in abeyance through the use of an abeyance contract. (See Policy Regulation JK-R4)
 - c. A short-term suspension may be shortened as a consequence of a parental conference, but under no circumstances may it exceed ten (10) school days. The short-term suspension imposed may not be lengthened as a means of getting the parent to come to the school.
 - d. If the student's home language is other than English, an interpreter may be required at this conference.
5. The student is allowed access to class assignments. Homework shall be made available for the parent to pick up at the school office. Additional assignments will be provided only after the student has completed and returned previous assignments.
6. Limitations upon the use of the short-term suspension

- a. Successive short-term suspensions shall not be applied to avoid or postpone the formal due process procedures of long-term suspension.
- b. If it is necessary to remove a student from school for more than ten days because of a particular violation, the procedure for the long-term suspension must be used. See Policy Regulation JK-R2
- c. There is no limitation on the application of successive short-term suspensions for successive, distinct incidents if the circumstances warrant. For example, if a student was suspended for three school days for punching another student, and on the day of his return did it again, a suspension of eight days could be imposed. As long as there is a second informal hearing before the second suspension, this total of eleven days (8 + 3) does not in itself violate the ten-day limit upon a single short-term suspension. The example illustrates an instance of two suspensions for two different violations and the suspensions occurred so close in time.

7. Appeal of a Short-Term Suspension

- a. A student or parent(s)/guardian(s) disagreeing with the decision to suspend may request a review of the school official's decision by the school official's immediate supervisor. Such request shall be made within three school days following the imposition of the suspension. The supervisor shall consider only the following grounds in reviewing the decision:
 - i. alleged denial of a right available to the student that resulted in an unfair hearing
 - ii. new evidence
 - iii. allegation of insufficient evidence
 - iv. allegation of excessive punishment
- b. The supervisory administrator may affirm the decision or reduce the discipline imposed. **The decision of the supervisor, upon review of the decision and the relevant facts available to him or her, is final.**

8. Student's Return to School Following a Short-Term Suspension

- a. On the day of the student's return to school, an administrator shall meet with the student and the student's parent for a re-entry conference.

- b. The purpose of this conference is to review the expectations for student conduct and to review the supports that will be provided by the school to assist the student in a successful return to school.

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LEGAL REF.: A.R.S. § 15-341
A.R.S. §§15-840 – 15-844

CROSS REF.: JFCL – Anti-Harassment Policy – Student
JI – Rights and Responsibilities
JICA – Student Dress
JICFA – Hazing
JICG – Tobacco Use by Students
JICH – Drug and Alcohol Use by Students
JICI – Weapons in School
JICJ – Use of Cell Phones and Other Electronic Signaling Devices
JICL – Bully Prohibition and Prevention
JKA – Discipline of, and Alternative Interim Placements for Special
Education Students
JKAA – Discipline, Suspension, Expulsion for 504 Handicapped
Students