



## **DECEMBER 2014 KASB POLICY UPDATES**

To: Member Unified School Districts and other Member Organizations  
From: Angie Stallbaumer, KASB Policy Specialist/Staff Attorney  
Re: Recommended Policy and Handbook Updates

Happy holidays, everyone! KASB posts these packets on the Members Only portion of our website each June, December, and as necessary after revisions are made to the Association's policy recommendations. The accompanying documents are the second set of 2014 policy updates we've made to our recommended samples. If you did not receive the June 2014 Policy Updates, please email me at [astallbaumer@kasb.org](mailto:astallbaumer@kasb.org), so I can get them sent your way.

The following policy recommendations have been edited and revised by the KASB Legal/Policy Services staff. If you are receiving a hard copy of the updates, along with this letter, you will find a table explaining the changes in policy, copies of each policy which show the edits to each using Track Changes in Word, and then a clean copy of each policy.

We will also make these documents available on the Members Only portion of our website at [www.kasb.org](http://www.kasb.org). Notice the phrase "KASB Recommendation – [date]" on each policy. This should reduce confusion as to which KASB policy recommendation is the most current.

The purpose of these revisions is to fill in some gaps where districts desire more comprehensive policy language, to eliminate some redundancy, to make the language more up-to-date and legally accurate, and to make the policies easier to administer.

The contents of this policy package should be reviewed by the superintendent, the clerk, and the board, and it may not hurt to run it by your other district administrators, staff, and student

body representatives if your policy on adoption or revision of policy requires staff and student input. If any of the new policy recommendations meet district needs, they are ready to add to the policy book **after board approval**.

Remember to delete the date of the KASB recommendation and put in the local adoption date.

**Once adopted, policies have the force and effect of law. Suggested policies should not, however, be placed in the policy book without an opportunity for board discussion and an official motion to approve their addition to the district's policy book.**

Minutes from the meeting should reflect when policies were adopted and which policies were approved. To save time in case of an audit, file a copy of the minutes with critical policies required by law. **Clerks must also make sure an historical policy file is maintained in the district.**

We sincerely hope these policy recommendations will be helpful for you. If you have comments, questions, or concerns about these policy recommendations, or if you have additional policy needs, call 1-800-432-2471 and ask to speak to Angie Stallbaumer; email me at [astallbaumer@kasb.org](mailto:astallbaumer@kasb.org); or contact another member of the KASB Legal/Policy Services staff.

Sincerely,

Angie Stallbaumer

KASB Policy Specialist/Staff Attorney

## DECEMBER 2014 REVISED KASB POLICIES

POLICY CODE	RATIONALE FOR RECOMMENDED REVISION	RECOMMENDED ACTION
CEA (Superintendent Qualifications)	This policy was revised to use the same nomenclature for a superintendent's license as the Kansas State Department of Education uses.	Review and adopt if preferred. This policy is not legally required.
CEC (Superintendent Recruitment)	<p>We have updated the superintendent recruitment language to more accurately reflect local practice in many districts. Instead of putting together committees to conduct searches, many districts are electing to contract with professional search services, whether it is through KASB or another provider.</p> <p>Also, finding that most of our boards do not go out and visit the districts where the candidates for their superintendency are currently employed, we changed the language to make such visits purely optional.</p>	Review and adopt the policy if helpful. This policy change is not legally required.
EBBA (Hazardous Waste Inspection And Disposal)	We removed a redundant paragraph on development of rules and procedures for notifying administrators of the discovery or production of hazardous waste and proper reporting of disposal associated therewith.	Review and adopt the policy if desired.
GAOE (Workers Compensation)	<p>Workers compensation law has recently changed to provide additional protections to employers in determining if benefits should be made available. Some of the highlights follow.</p> <p>First, in order to be eligible for benefits, employees must notify your workers compensation coordinator within 20 days of an injury on the job or within 30 days of repetitive trauma.</p>	Review and adopt this policy; discuss it with building administration and staff; and select a district workers compensation coordinator to help implement

	<p>Second, the district, through its workers compensation coordinator, may require a post-injury chemical test. If the test is required but refused by the employee, the employee forfeits all rights to workers compensation for the injury.</p> <p>Third, if the board elects to choose a designated health care provider to provide medical assistance to employees injured on the job, and any employee refuses to use the designated provider, the employee's workers compensation payout will be limited to a total of \$500.</p>	<p>the new language.</p> <p><b>This policy is legally required, and changes thereto were necessitated by changes in existing law.</b></p>
GARA (Bloodborne Pathogen Exposure Control Plan)	<p>Our policy on adopting a bloodborne pathogen exposure control plan had outdated references to regulations of the Kansas Department of Human Resources, an entity that no longer exists. So, we removed this reference. We still recommend retaining the policy and plan.</p>	<p>Review and adopt the policy if using KASB samples in this area.</p>
GAT (Staff Use of Communication Devices)	<p>We deleted language on income tax liability for personal use of district provided cell phones in accordance with Internal Revenue Service guidance on tax treatment of cell phones.</p> <p>The guidance relates to a provision in the Small Business Jobs Act of 2010 that removed cell phones from the definition of listed property, a category under tax law that normally requires additional recordkeeping by taxpayers.</p> <p>Essentially, when an employer provides an employee with a cell phone primarily for noncompensatory business reasons, the business and personal use of the cell phone is generally nontaxable to the employee. The IRS will not require recordkeeping of business use in order to receive this tax-free treatment.</p>	<p>Review the policy and adopt if the policy reflects local practice. This is not a legal requirement.</p>

Similarly, employers that require employees, primarily for noncompensatory business reasons, to use their personal cell phones for business purposes may treat reimbursements of the employees' expenses for reasonable cell phone coverage as nontaxable. This treatment does not apply to reimbursements of unusual or excessive expenses or to reimbursements made as a substitute for a portion of the employee's regular wages.

In sum, where employers provide cell phones to their employees or where employers reimburse employees for business use of their personal cellphones, tax-free treatment is available without burdensome recordkeeping requirements.

However, the guidance does not apply to the provision of cell phones or reimbursement for cell-phone use that is not primarily business-related; as such arrangements are generally taxable. In other words, if the cell phone or stipend is provided as a perk of employment without requiring extensive use of the phone for district purposes, then the benefit would be taxable.

Details on Notice 2011-72, which is described above, may be found at [www.IRS.gov](http://www.IRS.gov).

IDAE Regulation (Protection of Pupil Rights Act)

Last June, we modified our policy IDAE on student privacy to incorporate not only the terms of the Federal Protection of Pupil Rights Act Amendment but also the Kansas Student Data Privacy Act. With this update, we've modified the recommended regulation accompanying IDAE to encompass the requirements of both acts as well.

Review and replace the old regulation.

<p>JBC (Enrollment)</p>	<p>As many of our districts are utilizing selection criteria for admittance of non-resident students, we have reflected that practice in our enrollment policy.</p> <p>However, please note that the Office of Civil Rights has been very active in recent years in investigating claims that districts are using similar criteria to be discriminatory in their enrollment practices. Keep in mind that you may not use these criteria to deny enrollment to special education students while taking all high-performing regular education students, for example.</p> <p>Make sure that the administrators implementing this policy are taking precautions to ensure that any criteria adopted are not utilized in a discriminatory manner to keep out students who would otherwise be identified with protected classes under district nondiscrimination policies.</p> <p>We also moved language about state law on not having to enroll students who are under a current period of suspension or expulsion so that it would apply to both resident and non-resident students equally. Just because a student is living in your district does not mean that you must enroll him or her prior to the term of the suspension or expulsion terminating.</p>	<p>Review and adopt if preferred to present language.</p>
<p>JBD (Absences and Excuses)</p>	<p>As truancy law leaves it up to boards to define what excused and unexcused absences are as well as the amount of time the board would consider a significant part of a school day for truancy reporting purposes, we have offered a sample that goes into more detail on these topics for your consideration.</p>	<p>Review and adopt if preferred to current policy.</p>
<p>JCAB (Searches of Property)</p>	<p>We added language on the use of trained dogs in conducting sweeps of schools and school property for your consideration.</p>	<p>Review and adopt if preferred to the</p>

		previous version.
JDC (Probation)	<p>This policy was updated to reflect that superintendents and often hearing officers for the district may defer punishments via probation as well as principals.</p> <p>In the case of a student bringing a dangerous weapon to school requiring a one calendar year expulsion, for example, the law provides that only the superintendent may modify the one calendar year expulsion.</p>	Review and adopt this policy at least with regard to the superintendent's authority to defer disciplinary measures using probation.
JDD (Suspension and Expulsion Procedures)	We added detail from state statute explaining that suspension and expulsion may only be used for student misdemeanor conduct when the conduct occurs <u>at school, on school property, or at a school supervised activity.</u>	Review and adopt.
<b>TOTAL=</b>	<b>11 Existing Policy Revisions</b> <b>1 Existing Regulation Revision</b>	

Source: KASB Legal and Policy Services

**CEA Superintendent Qualifications**

**CEA**

The superintendent shall possess, or be eligible for, a Kansas [district leadership license](#)~~superintendent's certificate~~.

Approved: KASB Recommendation – 01/02; 4/07; [12/14](#)

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The superintendent shall possess, or be eligible for, a Kansas district leadership license.

Approved: KASB Recommendation – 01/02; 4/07; 12/14

**CEC Superintendent Recruitment**

**CEC**

The superintendent search presents the board with an opportunity to recruit individuals who will implement the board's goals. The board shall establish an orderly procedure for employing a superintendent that conforms to generally accepted ethical and legal standards and minimizes misunderstanding in the community. The process should allow the board ample opportunity to evaluate a number of candidate's qualifications whose professional training and experience meet district needs. The board may solicit applications from qualified staff members and may list the vacancy with placement offices.

The board **may** select a professional ~~committee~~ search service who shall screen all applications and recommend finalists to the board for interviews. The board shall interview selected candidates. Board members ~~should~~ may visit each finalist's district.

Approved: KASB Recommendation – 01/02; 4/07; 12/14

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Approved: KASB Recommendation – 01/02; 4/07; 12/14

Inspection

Regular inspection of district facilities for hazardous waste shall be conducted by **Buildings and Grounds Director**. Written records of these inspections shall be maintained.

Disposal

When hazardous waste material is produced in a class, or otherwise located in the district, its disposal shall be in accordance with state and federal rules and regulations, or current law.

~~The superintendent shall develop written rules and procedures for notifying district administrators that hazardous waste has been discovered and/or produced and rules for reporting the proper disposal of waste. These rules and regulations shall be distributed to all staff members in classified and certified handbooks.~~

Rules

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Approved: [KASB Recommendation - 04/07: 12/14](#)

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Approved: KASB Recommendation - 4/07; 12/14

**GARA Bloodborne Pathogen Exposure Control Plan**

**GARA**

The board shall adopt an exposure control plan ~~which conforms with current regulations of the Kansas Department of Human Resources (KDHR).~~

—The plan shall be accessible to all employees and shall be reviewed and updated at least annually. All staff shall receive the training and equipment necessary to implement the plan.

Approved: KASB Recommendation - 9/97; 4/07; [12/14](#)

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Approved: KASB Recommendation - 9/97; 4/07; 12/14

**GAT**    **Staff Use of Communication Devices** (See IIBG and IIBGC)    **GAT**

The board encourages district employees to use technology, including communication devices, to improve efficiency and safety. The district expects all employees to use communication devices in a responsible manner that does not interfere with the employee's job duties. Employees who violate district policies and procedures governing the use of communication devices may be disciplined, up to and including termination, and may be prohibited from possessing or using communication devices while at work. Communication devices may not be used in any manner that would violate the district's policy on student-staff relations.

**Definitions**

“Communication device” is defined to include all portable devices that send or receive calls or text messages, allow the retrieval of email, or provide access to the Internet. Communication devices shall include, but may not be limited to cell phones, smart phones, iPads, and tablets.

“Use/Using” for the purposes of this policy mean answering or talking on the phone; sending or responding to a text, e-mail, or other communication; opening and viewing pictures or digital recordings; opening and listening to music or audio communications; accessing social media websites; playing games on such device; continuously checking a communication device; or any activity with a communication device that interferes with the employee’s job duties or appropriate supervision of students.

**General Use**

The district prohibits employees from using any communication device that interrupts or disrupts the performance of duties by the employee or otherwise interferes with district operations, as determined by the employee's

## **GAT Staff Use of Communication Devices**

**GAT-2**

supervisor. This prohibition applies regardless of whether the communication device used is owned by the employee or provided by the district. Employees are responsible for keeping communication devices secure and, if possible, password protected.

Supervision of students and the provision of academic instruction are priorities in the district, and employees who are responsible for supervising and/or providing academic instruction to students must concentrate on these tasks at all times. Employees shall not use communication devices when they are responsible for supervising students or when their doing so interrupts or interferes with classroom instruction unless any of the following conditions occurs:

- The device is being used to instruct the students being supervised at the time;
- The use is necessary to the performance of an employment-related duty;
- The employee has received specific and direct permission from a supervisor to do so; or
- There is an emergency.

Even when these conditions exist, the employee is responsible for obtaining assistance in adequately supervising students during the approved use so that students are supervised at all times.

### Use in Vehicles

Regardless of other provisions of this policy, unless there is an emergency, employees shall not use communication devices when:

- Driving district-provided vehicles;

**GAT Staff Use of Communication Devices**

**GAT-3**

- Operating a vehicle in which a student is being transported when the transportation is provided as part of the employee's job; or
- Supervising students who are entering or exiting a vehicle, crossing thoroughfares, or are otherwise attempting to safely reach their destinations.

Even in emergency situations, employees should first take all possible safety precautions before using communication devices. Employees are subject to local, state, and federal laws governing use of cell phones while driving and will be solely responsible for all traffic violation liabilities resulting from their use of a phone while driving.

**Use of District-Provided Communication Devices**

The district may provide communication devices and service to some employees to assist them in carrying out their employment-related duties on and off district property. Use of a district-provided communication device is a privilege. The superintendent or designee has sole discretion as to which employees will be provided communication devices and may recall any previously issued communication device. Employees do not have any expectation of privacy in district-provided communication devices or any information stored on them, and such devices may be confiscated and searched at any time.

Employees are expected to exercise reasonable care to protect district-provided communication devices from damage or theft and must report any such incidents immediately. The district may require employees to reimburse the district for any damage or theft that was the result of the employee's

negligence. Users of district-provided communication devices must abide by any use limitations included in the district's service contract.

Personal Use of District-Provided Communication Devices

Personal use of district-provided communication devices is permissible as long as the use does not exceed the limits of the applicable plan. An employee whose use exceeds plan limitations will be required to reimburse the district for all expenses beyond those covered by the plan and may have privileges suspended or revoked unless the employee can show that all use was for employment-related duties and the device was not used for personal reasons. The amount of personal use of a communication device or service paid for under E-Rate can be no greater than the cost allocation submitted in the request for the E-Rate discount. ~~Staff members electing to use district communication devices for personal reasons will be subject to income tax liability for such benefit.~~

Staff Bring Your Own Device Policy

Use of employees' personal communication devices during work hours shall be restricted to classroom or work-related activities. Such personal communication devices may only be used by the staff member and are not for student use. The security of personal computing devices is solely the responsibility of the staff member. Any loss resulting from damage or theft of personal communication devices in the school setting is not the responsibility of the district.

Approved: KASB Recommendation – 6/14; [12/14](#)

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Approved: KASB Recommendation – 6/14; 12/14

# Protection of Pupil Rights Amendment: Regulation

USD \_ \_ \_

**NOTE: This document MUST be approved by board action to become policy. File with clerk, distribute to principals, and duplicate as necessary in district newsletters and other documents.**

## Surveys: Parental Inspection Rights

Parents shall have the right to inspect any survey created by a third party before it is administered or distributed to students in the school. Prior to distribution, parents shall have the right to inspect any survey that seeks information about: political affiliations or beliefs of the student or the student's parent; mental or psychological problems of the student or the student's family; sex behavior or attitudes; illegal, anti-social, self-incriminating, or demeaning behavior; critical appraisals of other individuals with whom respondents have close family relationships; legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers; religious practices, affiliations, or beliefs of the student or student's parent; or income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

## Written Permission Required

If such survey is funded in whole or in part by federal funds or if the survey concerns the student's or student's parents' or guardians' beliefs or practices on sex, family life, morality, or religion, a survey that seeks this information it shall not be administered without providing notice to and the express written consent of the a parent or guardian. If the survey is not federally funded and does not cover the aforementioned topics, parents must be given direct notification of the survey, ~~through U.S. mail or e-mail,~~ and be provided with an opportunity to opt their child out of the survey. If the survey is part of the curriculum, parents shall have the right to inspect any instructional materials used in conjunction with the survey.

## Physical Examinations

Prior to the administration of any non-emergency, invasive physical examination or screening that is required as a condition of attendance, administered by the school, scheduled by the school in

advance and not necessary to protect the immediate health and safety of the student, the school shall provide parents with notice of the activity and provide parents with an opportunity to opt their child out of the activity. This requirement does not apply to routine dental, hearing and vision screenings required under Kansas law.

### **Parental Rights: Marketing Information**

If the school collects, discloses or uses personal information from students for the purpose of marketing or selling that information, parents shall have a right to inspect any instrument used for the collection of such information before it is administered or distributed to students in school. Parents shall be provided with notice of such activities and provided with an opportunity to opt their child out of the activity. The requirements concerning activities involving the collection and disclosure of personal information from students for marketing purposes **do not apply** to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for or to students or educational institutions, such as the following:

1. College or other postsecondary education recruitment, or military recruitment.
2. Book clubs, magazines, and programs providing access to low-cost literary products.
3. Curriculum and instructional materials used by elementary schools and secondary schools.
4. Tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students.
5. The sale by students of products or services to raise funds for school-related or education-related activities.
6. Student recognition programs.

### **Release of Information – FERPA Rights**

Unless the information collected from students is designated as directory information and is maintained outside of a statewide longitudinal student data system, no information gathered about students shall be released to third parties without the express written consent of the parent or eligible student. (See JRB)

Approved: KASB Recommended Regulation – 7/03; 1/04; 12/14

To save time in case of an audit, file a copy of the minutes with critical policies required by law.

# Protection of Pupil Rights Amendment: Regulation

USD 289

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## Written Permission Required

If such survey is funded in whole or in part by federal funds or if the survey concerns the student's or student's parents' or guardians' beliefs or practices on sex, family life, morality, or religion, it shall not be administered without providing notice to and the express written consent of a parent or guardian. If the survey is not federally funded and does not cover the aforementioned topics, parents must be given direct notification of the survey and be provided with an opportunity to opt their child out of the survey. If the survey is part of the curriculum, parents shall have the right to inspect any instructional materials used in conjunction with the survey.

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1. College or other postsecondary education recruitment or military recruitment.
2. Book clubs, magazines, and programs providing access to low-cost literary products.
3. Curriculum and instructional materials used by elementary schools and secondary schools.
4. Tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students.
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Unless the information collected from students is designated as directory information and is maintained outside of a statewide longitudinal student data system, no information gathered about students shall be released to third parties without the express written consent of the parent or eligible student. (See JRB)

Approved: KASB Recommended Regulation – 7/03; 1/04; 12/14

Principals are authorized to search property if there is reasonable suspicion that district policies, rules, or directives are being violated. In addition all lockers shall be subject to random searches without prior notice or reasonable suspicion. All searches by the principal shall be carried out in the presence of another adult witness.

Whenever the principal is mentioned in this policy, it shall be construed to include the superintendent “or designated representative.”

#### Search of Lockers

Lockers in the district schools shall be under supervision of the principal. Students shall have no expectation of privacy in any school locker.

The combinations and/or keys to all locker locks shall be in the possession of the principal and stored in a place designed to guard against unauthorized access or use. The principal may search any locker at any time without notice. Students shall not place locks, other than those approved by the school, on any locker.

#### Searches of Property

Any person other than the principal who wishes to search a student's locker or property shall report to the principal before proceeding. In no event shall any person be permitted to search a student's locker or property without the principal's consent unless the person has a valid search warrant authorizing a search.

If a law enforcement officer desiring to search a student's locker or property has a search warrant, the principal shall permit the search which shall be made in the presence of the principal.

Prohibited items found during the search shall remain in the custody of either the building principal or the law enforcement officer. If any items are turned over to law enforcement officials the principal shall receive a receipt for the items.

Use of Trained Dogs in Conducting Sweeps

At the request of the principal or on a schedule agreed upon by the service provider and the principal, law enforcement officers or licensed private agencies contracting with the school for such service, may use trained dogs on school premises to identify student property which may contain illegal or illicit materials and to determine whether materials, such as drugs, weapons, or other materials which may threaten the general health, welfare, and safety of the students and/or staff are present in the district parking lot, hallways, lockers, classrooms, and/or locker rooms. Students will never be sniffed by the dogs used to conduct the sweeps.

~~(Whenever the principal is mentioned in this policy, it shall be construed so as to include the superintendent “or designated representative.”)~~

Approved: KASB Recommendation-7/96; 8/98; 4/07; 12/14

Principals are authorized to search property if there is reasonable suspicion that district policies, rules, or directives are being violated. In addition all lockers shall be subject to random searches without prior notice or reasonable suspicion. All searches by the principal shall be carried out in the presence of another adult witness.

Whenever the principal is mentioned in this policy, it shall be construed to include the superintendent “or designated representative.”

Search of Lockers

Lockers in the district schools shall be under supervision of the principal. Students shall have no expectation of privacy in any school locker.

The combinations and/or keys to all locker locks shall be in the possession of the principal and stored in a place designed to guard against unauthorized access or use. The principal may search any locker at any time without notice. Students shall not place locks, other than those approved by the school, on any locker.

Searches of Property

Any person other than the principal who wishes to search a student’s locker or property shall report to the principal before proceeding. In no event shall any person be permitted to search a student’s locker or property without the principal’s consent unless the person has a valid search warrant authorizing a search.

If a law enforcement officer desiring to search a student’s locker or property has a search warrant, the principal shall permit the search which shall be made in the presence of the principal.

Prohibited items found during the search shall remain in the custody of either the building principal or the law enforcement officer. If any items are turned over to law enforcement officials the principal shall receive a receipt for the items.

Use of Trained Dogs in Conducting Sweeps

At the request of the principal or on a schedule agreed upon by the service provider and the principal, law enforcement officers or licensed private agencies contracting with the school for such service, may use trained dogs on school premises to identify student property which may contain illegal or illicit materials and to determine whether materials, such as drugs, weapons, or other materials which may threaten the general health, welfare, and safety of the students and/or staff are present in the district parking lot, hallways, lockers, classrooms, and/or locker rooms. Students will never be sniffed by the dogs used to conduct the sweeps.

Approved: KASB Recommendation—7/96; 8/98; 4/07; 12/14

**JDC** Probation (See JCDBB and JDD)

**JDC**

Any punishment, suspension or expulsion, may be deferred by the superintendent, principal, or designee ~~(add other positions as appropriate)~~. The student involved may be placed on probation for a set period of time. The punishment, suspension, or expulsion, shall remain deferred so long as the student meets the conditions of the probation. If a student is placed on probation, written notification shall be sent to the student's parent or guardian. Any decisions on probation for students found to be in violation shall be handled by the superintendent.

A student placed on probation shall be given a written list of the terms and conditions of the probation. The student shall sign a statement that: the terms and conditions have been explained, the student understands the conditions, the student agrees to abide by the conditions, and failure to abide by the conditions may be reason to reinstate the original punishment.

Approved: KASB Recommendation-7/96; 4/07; 12/14

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Any punishment, suspension or expulsion, may be deferred by the superintendent, principal, or designee. The student involved may be placed on probation for a set period of time. The punishment, suspension, or expulsion, shall remain deferred so long as the student meets the conditions of the probation. If a student is placed on probation, written notification shall be sent to the student's parent or guardian. Any decisions on probation for students found to be in violation shall be handled by the superintendent.

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Approved: KASB Recommendation—7/96; 4/07; 12/14

## **JDD Suspension and Expulsion Procedures**

**JDD**

(See AEB, EBC, IHEA, JBD, JCDBB, JDC, JCDA, JDDDB, JDDC, and JHCAA)

Except as limited by Section 504 or IDEA, a student may be suspended or expelled, for reasons set forth in Kansas law. Any student who is suspended for a period of more than 10 days or expelled shall receive a copy of the current suspension and expulsion law and this policy. Suspension/expulsion hearings shall be conducted by the superintendent/designee or other certificated employee, or committee of certificated employees of the school in which the pupil is enrolled, or by any other hearing officer appointed by the board.

### **Reasons for Suspension or Expulsion**

Students may be suspended or expelled for one or more of the following reasons:

- Willful violation of any published, adopted student conduct regulation;
- Conduct which substantially disrupts, impedes, or interferes with school operation;
- Conduct which endangers the safety or substantially impinges on or invades the rights of others;
- Conduct which constitutes the commission of a felony;
- Conduct [at school, on school property, or at a school supervised activity](#) which constitutes the commission of a misdemeanor;
- Disobedience of an order of a school authority if the disobedience results in disorder, disruption or interference with school operation; and
- Possession of a weapon at school, on school property or at a school-sponsored event.

### **Short-term Suspension**

Except in an emergency, a short-term suspension (not exceeding ten school days) must be preceded by oral or written notice of the charges to the student and an informal hearing. If a hearing is not held prior to the suspension, an informal hearing shall be provided no later than 72 hours after imposition of a short-term suspension.

Written notice of any short-term suspension shall be delivered to the student's parent or guardian within 24 hours after the suspension has been imposed. Short-term suspension hearings may be conducted by any person designated in policy as having the authority to suspend.

At the informal suspension hearing, the student shall have the right to be present and notified of: the charges; and the basis for the accusation. The student shall have the right to make statements in his/her defense after receiving notice of the charges.

Long-Term Suspension or Expulsion

Before a student is subject to long-term suspension (not to exceed 90 school days) or expulsion (not to exceed 186 school days), a hearing shall be conducted by a hearing officer who has authority to suspend or expel. The superintendent/principal shall designate a hearing officer authorized by the board. Formal hearings shall be conducted according to procedures outlined in current Kansas law and:

- The student and parents or guardians shall be given written notice of the time, date and place of the hearing.
- The notice shall include copies of the suspension/expulsion law, and appropriate board policies, regulations and handbooks.
- The hearing may be conducted by either a certified employee or committee of certified employees authorized by the board, the chief administrative officer, or other certified employee of the district in which the student is enrolled, or by an officer appointed by board.
- Expulsion hearings for weapons violations shall be conducted in compliance with Kansas law by persons appointed by the board.
- Findings required by law shall be prepared by the person or committee conducting the hearing.

- A record of the hearing shall be available to students and parents or guardians according to Kansas law.

Written notice of the result of the hearing shall be given to the pupil and to parents and guardians within 24 hours after determination of such result.

Rules Which Apply in all Cases When a Student May be Suspended or Expelled

- Refusal or failure of the student and/or the student's parents to attend the hearing shall result in a waiver of the student's opportunity for the hearing.
- A student suspended for more than 10 school days or expelled from school shall be provided with information concerning services or programs offered by public and private agencies which provide services to improve the student's attitude and behavior.
- A student who has been suspended or expelled shall be notified of the day the student can return to school.
- If the suspension or expulsion is not related to a weapons violation, the principal may establish appropriate requirements relating to the student's future behavior at school and may place the student on probation. (See JDC)
- If the expulsion is related to a weapons violation the superintendent may establish appropriate requirements relating to the student's future behavior at school and may place the student on probation if the student is allowed to return. (See EBC, JCDBB and JDC)
- The days a student is suspended or expelled are not subject to the compulsory attendance law.
- During the time a student is suspended or expelled from school, the student may not:
  - Be on school property or in any school building without the permission of the principal.
  - Attend any school activity as a spectator, participant or observer.

A student over the age of 18 or the parents or guardian of a student who is suspended for more than 10 days or expelled from school may appeal to the board within 10 calendar days of receiving written notice of the hearing results.

When a suspension is imposed during the school day, the student shall not be removed from school until a parent has been notified. If a parent cannot be notified during regular school hours, the student shall remain at school until the regular dismissal time.

**Student Rights During a Long-Term Suspension/Expulsion Hearing**

The student shall have the right:

- to counsel of his/her own choice;
- to have a parent or guardian present;
- to hear or read a full report of testimony of witnesses;
- to confront and cross-examine witnesses who appear in person at the hearing; to present his or her own witnesses;
- to testify in his or her own behalf and to give reasons for his or her conduct;
- to an orderly hearing; and
- to a fair and impartial decision based on substantial evidence.

**Appeal to the Board**

The following conditions shall apply if a student who is age 18 or older or the student's parent or guardian files a written appeal of a suspension or expulsion:

- Written notice of the appeal shall be filed with the clerk within 10 calendar days of receiving the results of the hearing.
- The board shall schedule an appeal with the board or a hearing officer appointed by the board within 20 calendar days.
- The student and the student's parent shall be notified in writing of the time and place of the appeal at least 5 calendar days before the hearing.
- The hearing shall be conducted as a formal hearing using rules similar to those noted earlier for expulsion hearings.
- The board shall record the hearing.
- The board shall render a final decision no later than the next regularly scheduled board meeting after the conclusion of the appeal hearing.

Approved: KASB Recommendation-7/96; 8/98; 6/99; 6/00; 4/04; 6/06; 4/07;

[12/14](#)

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Approved: KASB Recommendation-7/96; 8/98; 6/99; 6/00; 4/04; 6/06; 4/07;

12/14