

## Russell County Public Schools

### STUDENT DUE PROCESS RIGHTS

As provided for in Article 3022.1-277 of the Virginia Code, pupils may be suspended from attendance at school for sufficient cause by the school principal, assistant principal or in their absence by any teacher. In addition a student may be expelled from attendance at school by the School Board.

A. For a suspension of ten days or less the following procedure must be followed:

1. The pupil will be given an oral or written notice of the charges against him/her.
2. If the pupil denies the charges, he/she will be given an explanation of the facts, as known to school personnel, and an opportunity to present his/her version of what occurred.
3. Any pupil whose presence poses a continuing danger to persons or property or an ongoing threat of disruption may be removed from school immediately and the notice, explanation of facts and opportunity to present his/her version given as soon as practicable thereafter.
4. Immediately following notification of the suspension the principal, assistant principal or teacher responsible for the suspension will report the facts of the case in writing to the division superintendent and to the parent or guardian of the pupil
5. Any interested party may petition the division superintendent to review the action taken by the principal, assistant principal or teacher.
6. If a petition for review is received, the superintendent or his designee will review the action and either confirm or disapprove it based upon an examination of the record of the pupil's behavior. Written notice of the confirmation or disapproval will be sent to the person responsible for the suspension and to the party requesting the review.
7. The decision of the superintendent or his designee may be appealed to the school board.

B. For suspension of more than ten days the following procedure must be followed:

1. The student will be given an informal hearing in which he/she will be informed of the charges and given an opportunity to respond. If the student denies the charges,

the principal or his designee will give the student an explanation of the evidence supporting the charges and an opportunity to explain his/her version of the facts.

2. A written notice of the intended suspension will be provided to the pupil and the parent or guardian, before the suspension is to begin. This written notice will contain the reasons for the intended suspension and inform the pupil and the parents that they have a right to a hearing before the division superintendent.

3. The principal will immediately report the intended suspension to the division superintendent sending him a copy of the written notice sent to the parent or guardian.

4. If an appeal is made, the superintendent or his designee will hear the student, the principal and the parent or guardian and will render his decision, informing them that if they are not satisfied with his decision, they have the right to appeal it to the school board.

5. The decision of the superintendent or his designee may be appealed to the school board by filing a written notice of appeal with the superintendent.

C. For an expulsion the following procedure must be followed:

1. The student will be given an informal hearing in which he/she is informed of the charges and given an opportunity to respond. If the student denies the charges, the principal or designee shall give the student an explanation of the evidence supporting the charges and an opportunity to explain his/her version of the facts.

2. A written notice of the intended expulsion will be provided to the pupil and his/her parent or guardian before the expulsion is to begin. This written notice will contain the reasons for the proposed expulsion and will inform the pupil and the parents that they have a right to a hearing before the school board.

3. The principal or his designee will immediately inform the superintendent of the intended expulsion and send him a copy of the written notice sent to the parent or guardian.

4. The superintendent or his designee will review the recommendation of the principal or his designee and will make a decision as to whether or not the expulsion is warranted. If the decision is to not go ahead with the expulsion, the superintendent or his designee will inform the student, the parent's and the principal that the expulsion will not occur.

5. If the superintendent or his designee makes a decision to go ahead with expulsion, the student, and his/her parents or guardian will be advised in writing of the proposed action and of their right to a hearing before the school board. The notice will

contain the date, time and place of the school board meeting at which the hearing is to occur.

6. Immediately following the hearing, the student and his/her parents or guardian will be notified of the school board's decision.

#### D. Handicapped Students

In cases where "identified" handicapped students are recommended for suspension of more than ten days, a hearing must be held prior to the suspension to determine if there is a causal relationship between the student's handicap and misbehavior.

Revised: July 15, 1986, June 6, 1989, February 5, 1991, June 2, 1992, August 6, 2015