

A short-term suspension is the disciplinary exclusion of a student from attending his or her assigned school for up to 10 school days. A short-term suspension does not include (1) the removal of a student from class by the classroom teacher, the principal or other authorized school personnel for the remainder of the subject period or for less than one-half of the school day, (2) the changing of student's location to another room or place on the school premises, or (3) a student's absence under G.S. 130A-440 (for failure to submit a school health assessment form within 30 days of entering school). A student who is placed on a short-term suspension will not be permitted to be on the school property or to take part in any school function during the period of suspension without prior approval of the principal.

The principal or designee has the authority to determine when a short-term suspension is an appropriate consequence and to impose the suspension, so long as all relevant board policies are followed.

In accordance with G.S. 115C-390.6(e) and 115C-45(c)(1), a student is not entitled to appeal the principal's decision to impose a short-term suspension to either the superintendent or the board unless it is appealable on some other basis.

A. PRE-SUSPENSION RIGHTS OF THE STUDENT

Except in the circumstances described below, a student must be provided with an opportunity for an informal hearing with the principal or designee before a short-term suspension is imposed. The principal or designee may hold the hearing immediately after giving the student oral or written notice of the charges against him or her. At the informal hearing, the student has the right to be present, to be informed of the charges and the basis for the accusations against him or her, and to make statements in defense or mitigation of the charges.

The principal or designee may impose a short-term suspension without first providing the student with an opportunity for a hearing if the presence of the student (1) creates a direct and immediate threat to the safety of other students or staff or (2) substantially disrupts or interferes with the education of other students or the maintenance of discipline at the school. In such cases, the principal or designee shall give the student notice of the charges and an opportunity for an informal hearing as soon as practicable.

After the above procedures have been fulfilled, the principal may then suspend the student for 10 days or less. Any student suspended who is later found to be free of any fault will be permitted to make up any missed school work and will not be penalized in any way because of absence during his or her suspension.

B. A student under a short-term suspension must be provided with the following:

1. The opportunity to take textbooks home for the duration of the suspension;
2. Upon request, the right to receive all missed assignments and, to the extent practicable, the materials distributed to students in connection with such assignments; and
3. The opportunity to take any quarterly, semester or grading period examinations missed

during the suspension period.

- C. The principal has the authority to recommend the student be placed at Montgomery Learning Academy on a temporary basis during the time the student is placed on a short term, out of school suspension. The placement at Montgomery Learning Academy is in lieu of out of school suspension.

If a parent refuses to allow the student to attend Montgomery Learning Academy the days missed will be unexcused absences.

While attending Montgomery Learning Academy during a short term suspension the student will adhere to the attendance policy in place for their grade level.

D. NOTICE TO PARENT OR GUARDIAN

When imposing a short-term suspension, the principal or designee shall provide the student's parent or guardian with notice that includes the reason for the suspension and a description of the student conduct upon which the suspension is based. The principal or designee must give this notice by the end of the workday during which the suspension is imposed when reasonably possible, but in no even more than two days after the suspension is imposed. If English is the second language of the parent, the notice must be provided in English and in the parent's primary language, when the appropriate foreign language resources are readily available. Both versions must be in plain language and easily understandable.

School officials also shall maintain a copy of the written notice in the student's educational record.

Multiple short-term suspensions for students with disabilities will be addressed in accordance with the *Policies Governing Services for Children with Disabilities* and other applicable state and federal law.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12131 *et seq.*, 28 C.F.R. pt. 35; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, 34 C.F.R. pt. 300; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; G.S. 115C art. 9; 115C-45(c), -47, -276(r), -288, -307, -390.1, -390.2, -390.5, -390.6; 130A-440; *Policies Governing Services for Children with Disabilities*, State Board of Education Policy EXCP-000

Cross References: School Safety (policy 1510/4200/7270), School Plan for Management of Student Behavior (policy 4302), School-Level Investigations (policy 4340), Parental Involvement in Student Behavior Issues (policy 4341), Removal of Student During the Day (policy 4352)

Adopted: April 10, 2000

Updated: May 4, 2009

Updated: September 14, 2011

Updated: March 4, 2013

Updated: June 3, 2014

Updated: December 7th, 2015

