

Descriptor Term:

JDD

**PROCEDURE FOR DEALING WITH  
LONG-TERM SUSPENSION OR EXPULSION**

ISSUE DATE: 2-22-90  
REVISED: 11-15-12

The Board of Education of the Jackson County School District wishes to establish an educational climate in which the important process of education can best be carried out. When unacceptable behavior cannot be corrected by the resources of the school, the Board hereby authorizes the school principal to suspend any student for violation of any published rule or regulation or for any other act of misconduct or insubordination as a final effort to influence the student's future behavior.

The principal may suspend students out of school for a period not to exceed five (5) school days. The principal, with the approval of the superintendent, may suspend students out of school for a period not to exceed ten (10) school days. Long-term suspension, or that in excess of ten (10) school days, or expulsion may be given only by action of the Board of Education, and then only after such student has been afforded notice, opportunity of a hearing, and other procedural rights consistent with state and federal due process requirements.

**Section 1. Notice** A student facing suspension shall be given oral or written notice of the charges against him/her by the principal. If the student denies the charges, he/she shall be given an explanation of the evidence that the principal has against him/her.

Whenever the principal seeks to impose a long-term suspension or expulsion, he/she shall notify, in writing, the parents/guardian no later than the end of the third school day following the day of alleged misconduct. This written notice shall include the following:

1. The rule allegedly violated, the acts of the student in alleged violation of the rule, and the summary of evidence against him/her.
2. The penalty that is recommended to the Superintendent and Board.
3. A statement that before long-term suspension or expulsion can be invoked, the student has a right to a hearing before the Board of Education.

**Section 2. Right to hearing** If the student and his/her parents choose to waive the right to a hearing, then they must provide for the principal a signed statement to that effect. The student and his/her parents shall notify the school within twenty-four hours after receipt of notice of suspension/expulsion whether or not they will waive the right to a hearing.

If the student and parents do not waive the right to a hearing before the Board, the hearing will be scheduled at the next board meeting after notification from the parents that a hearing is requested. The principal or school administration will inform a parent or parents and student of the date and time of the hearing. If the student is of mandatory school age, services will be provided at the alternative school or an alternative setting based on the recommendation of the principal and approval of an assistant superintendent.

**Section 3. Witness Statements** At least two days prior to the hearing, the principal will make available in his/her office the signed statements of staff members on whose information the charges are based and also the penalty recommended by the principal. Statements made in writing by the student may also be examined by

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parents/legal guardians, if requested.

**Section 4. Conduct of the Hearing** The hearing for the student will be confidential, and the student may be represented by legal counsel and parents or legal guardians. The hearing may be attended only by the Board of Education, board attorney, the Superintendent of Schools, the assistant superintendent of the respective Attendance Center, the principal, the student, the parents, the student's legal counsel or other designated advocate, recording clerk(s), and witnesses who should only be present when they are giving information to the Board. At the discretion of the Board and with the concurrence of the student's parents (or the representative when acting in the place of the parents), the student may be excluded at times when his/her psychological or emotional problems are being discussed.

The student may speak in his own defense and may be questioned on his testimony, but he may choose not to testify, and, in such cases, he shall not be threatened with punishment.

Members of the Board, the superintendent, the principal, the student, the parents, or the representative of the student may question witnesses, including the principal and the student, about matters relevant to the charge against the student and to the proper disposition of the matter. The board president has authority to limit questioning which is unproductive or irrelevant.

The parents or legal guardians should be present at the hearing and should have an opportunity to answer questions and to make a statement to the Board concerning their feelings about the proper disposition of the case. Any statements made by the parents need not be filed with the principal before the hearing. Parents will be able to advise the student during the hearing.

If the student or his/her parents think that the student's interest can be protected better by the presence at the hearing of an adult besides the parents or guardian, the student may bring another adult to the hearing. This adult may act as a representative in the defense of the student in an advisory capacity.

**Section 5. Disposition of the Case** Following the completion of the hearing, the Board may proceed in its deliberations and make its ruling on the minutes. If no misconduct is found, the matter is terminated, and no further action may be taken against the student. The decision of the Board is final.

Legal Reference: Mississippi Code 37-7-301 (e)