

## ***SUSPENSIONS - LENGTH - NOTICE - HEARING***

### *Section 1. K.S.A. 72-6902*

(a) Students may be suspended for a short term not to exceed five (5) days for conduct violations. A short term suspension may be extended up to ten (10) days for carrying a weapon; knowingly possessing or using illegal drugs; selling, or soliciting the sale of illegal drugs while at school, on school property or at a school activity; engaging in behavior which resulted in, or is substantially likely to have resulted in, injury to the pupil or to others.

A long-term suspension may be imposed for the remainder of the semester. Students may be expelled for the balance of the school year. Any student violating the weapon policy may be expelled for one calendar year.

A student shall not knowingly possess, handle or transmit any object that can reasonably be considered a weapon at school, on school property or at a school-sponsored event. This shall include any weapon, any item being used as a weapon or destructive device, or any facsimile of a weapon. It is a crime for any person to possess a firearm at school or on school property. A student who possesses a firearm shall be reported to law enforcement for criminal prosecution. Possession of a firearm or other weapon or facsimile of a weapon shall result in expulsion from school for a period of one calendar year.

(b) Except as authorized in subsection (c), no suspension for a short term shall be imposed upon a student without giving the student notice of the charges and affording the student an informal hearing thereon. The notice may be oral or written and the hearing may be held immediately thereafter. The hearing may be conducted informally but shall include the following procedural due process requirements:

1. The right of the student to be present at the hearing.
2. The right of the student to be informed of the charges.
3. The right of the student to be informed of the basis for the accusation.
4. The right of the student to make statements in defense or mitigation of the charges or accusations.

(c) A short-term suspension may be imposed upon a student forthwith, and without affording the student or the parents or guardians, thereof a hearing if the presence of the student endangers other persons or property or substantially disrupts, impedes or interferes with the operation of the school. A written notice of any short-term suspension and the reason therefore shall be given to the student involved and to the parents. In the event the student has not been afforded a hearing prior to any short-term suspension, an informal hearing shall be provided as soon thereafter as practical but in no event later than 72 hours after such short-term suspension has been imposed.

(d) No suspension for an extended term and no expulsion shall be imposed upon a student until an opportunity for a formal hearing on the suspension or expulsion shall be afforded to the student. A written notice of any proposal to suspend for an extended term or to expel and the charges upon which the same is based shall be given to the student proposed to be suspended or expelled and to the parents or guardians thereof. Any notice of a proposal to suspend for an extended term or to expel shall state the time, date and place that the student will be afforded an opportunity for a formal hearing, and the hearing shall be held not later than 20 days after the date of the notice. A copy of this act shall accompany the notice and the regulations of the Board of Education adopted under K.S.A. 72-8903.

(e) Upon the conclusion of any formal hearing that results in a suspension for an extended term or an expulsion, the person or committee who conducts the hearing shall make a written report of the findings and results of the hearing. The report shall be directed to the Board of Education of the school district and shall be open to the inspection of the student who is suspended or expelled, and if the student has not attained 18 years of age, to the parents or guardians and counsel or other advisor of the student. If the student has attained 18 years of age,

the report shall be open to the inspection of the parents or guardians and counsel or other advisor of the student only upon written consent of the student.

(f) Whenever any formal hearing results in suspension for an extended term or expulsion, the person or committee conducting the hearing has the responsibility of deciding whether or not to allow the student to return to regular classes until the period of time allowed for filing a notice of appeal has expired with no notice filed or until the determination of any appeal if a notice of appeal is filed.

(g) Whenever any written notice is required under this act to be given to parents or guardians of any student, it shall be sufficient if the same is mailed to the residence of the parents or guardians at the address on file in the school records of the student. In lieu of mailing the written notice, the same may be personally delivered.