

DEFINITION OF TERMS

1. "Corporal punishment" means physically striking a student for disciplinary reasons.
2. "Restraint" means the act of controlling the actions of students when such actions may inflict harm to others or to the student or when the student's actions interfere with the maintenance of good learning environment. Mechanical, chemical and physical restraint are more fully defined in policy 8120. Any use of restraint is subject to the provisions of policy 8120.
3. "Short-term suspension" means a period of time a student is removed from school for disciplinary reasons not to exceed ten (10) consecutive school days.
4. "Extended-term suspension" means a period of time a student is removed from school, for disciplinary reasons for more than ten (10) days but not more than 90 consecutive school days.
5. "Expulsion" means a period of time a student is removed from school for disciplinary reasons for more than 90 school days but not more than 186 consecutive school days.
6. "Serious Bodily Injury" as used within the Individuals with Disabilities Education Improvement Act of 2004 means bodily injury which involves—
 - (A) a substantial risk of death;
 - (B) extreme physical pain;
 - (C) protracted and obvious disfigurement; or
 - (D) protracted loss or impairment of the function of a bodily member, organ, or mental faculty;"
7. "Weapon" as defined by the Federal Gun-Free Schools Act and K.S.A. 72-89a01(h)(1) means: (A) any weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any weapon described in the preceding example; (C) any firearm muffler or firearm silencer; (D) any explosive incendiary, or poison gas (i) bomb, (ii) grenade, (iii) rocket having a propellant charge of more than four ounces, (iv) missile having an explosive or incendiary charge of more than 1/4 ounce, (v) mine, or (iv) similar device; (E) any weapon which will, or which may be readily converted to, expel a projectile by the action of explosive or other propellant, and which has any barrel with a bore of more than 1/2 inch in diameter; (F) any combination of parts either designed or intended for use in converting any device into any destructive device described in the two immediately preceding examples and from which a destructive device may be readily assembled; (G) any bludgeon, sandclub, metal knuckles or throwing star; (H) any knife, commonly referred to as a switch-blade, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward or centrifugal thrust or movement; (I) any electronic device designed to discharge immobilizing levels of electricity, commonly known as a stun gun.

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(2) The term "weapon" does not include within its meaning (A) an antique firearm; (B) an air gun; (C) any device which is neither designed nor redesigned for use as a weapon; (D) any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; (E) surplus ordnance sold, loaned, or given by the secretary of the army pursuant to the provisions of section 4684(2), 4685, or 4686 of title 10 of the United States Code; (5) class C common fireworks."

For purposes of this section, "air gun" means any device which will or is designed to or may be readily converted to, expel a projectile by the release of compressed air or gas, and which is of 0.18 caliber or less and has a muzzle velocity that does not exceed 700 feet per second.

WARNING: Except as otherwise provided by law or this policy, possession of any weapon described in this definition on any school property, in any school building, or at any school-supervised activity will result in a full one calendar-year expulsion as required by federal and state law! It may also result in suspension of a student's driver's license.

8. "Weapon" as defined by Board of Education policy means any device, object, or substance that, in fact, or under the circumstances and manner in which it is used, can reasonably be considered sufficient to cause property damage or to cause bodily harm. Students who possess or use these weapons may be disciplined as they would for any other Level II or III offense. Disciplinary options are not limited by federal and state law. Examples of weapons include, but are not limited to the following: antique firearms, whether loaded or operable or not;; pistols, whether loaded or operable or not; pellet guns; B-B guns or air rifles, whether powered by air, CO2 gas or spring and whether loaded or operable or not; knives; clubs; any device which was originally designed for use as a weapon, whether operable or not; ammunition, ordnance, bullets for use in pistols or rifles, or shells for use in shotguns; and defensive devices, such as gas repellants, chemical mace, or pepper spray. Possession of an air gun at school, on school property or at a school supervised activity is prohibited, except when a student is participating in activities conducted by an organization, whether school-sponsored or community-based, whose primary purpose is to provide youth development of individuals under the age of 18 in activities, including activities that include the possession and use of air guns by participants, designed to promote and encourage self-confidence, teamwork and a sense of community, or is in transit to and from such activities.
9. "Weapon" as used within the Individuals with Disabilities Education Improvement Act of 2004 means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2-1/2 inches in length.
10. "Staff" means any adult employee of the school district, whether employed full-time or part-time; or having regular, temporary or substitute employment status.
11. "At school" means in school buildings, on school property or at any school-sponsored or school-supervised activity.

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RULES AND REGULATIONS**I. Legal Authority for Suspension and Expulsion****A. (From K.S.A. 72-8901 through K.S.A. 72-8908)**

The Board of Education of any school district may suspend or expel or by regulation authorize any certified employee or committee of certified employees to suspend or expel any student guilty of any of the following:

1. Willful violation of any published regulation for student conduct adopted or approved by the Board of Education; or
2. Conduct which substantially disrupts, impedes, or interferes with the operation of any public school; or
3. Conduct which endangers the safety of others or which substantially impinges upon or invades the rights of others at school, on school property, or at a school-supervised activity; or
4. Conduct, which, if the student is an adult, constitutes the commission of a felony or, if the student is a juvenile, would constitute the commission of a felony if committed by an adult; or
5. Conduct at school, on school property, or at a school-supervised activity which, if the student is an adult, constitutes the commission of a misdemeanor or, if the student is a juvenile, would constitute the commission of a misdemeanor if committed by an adult; or
6. Disobedience of an order of a teacher, peace officer, campus police officer, or other school authority when such disobedience can reasonably be anticipated to result in disorder, disruption, or interference with the operation of any public school, or substantial and material impingement upon or invasion of the rights of others.

B. Federal Gun-Free Schools Act

The federal Gun-Free Schools Act requires states to enact laws that require students who possess certain weapons at school to be expelled for one calendar year. Kansas law adopts and expands upon this requirement (K.S.A. 72-89a01, et.seq.).

C. Authorization to Suspend and Expel

The Board of Education extends its authority to suspend and expel any student to the following certified personnel:

1. Superintendent, assistant superintendents, general directors, directors, principals, associate principals and assistant principals.
2. In buildings where associate and/or assistant principals are not provided, the principal at the beginning of each school year shall file with the superintendent or designee, in writing, the names of two certified staff members, other than counselors, whom the principal recommends be designated by the Board of Education and authorized to make suspensions and expulsions in the absence of the principal. The superintendent or designee shall report to the Board of Education the

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names of the persons so recommended for such authority, and if the Board approves, it shall designate such persons and grant them such authority.

D. Guidelines Established Within Schools

The administrator of each school, with input from the school's staff and site-based council, may establish student handbooks, school rules, or school guidelines necessary for implementing this policy, maintaining a safe and orderly learning environment, and maintaining good discipline. These guidelines must not be in conflict with the Board of Education policies.

E. Special Education Student Discipline

The discipline of students with disabilities is regulated by additional federal and state law. Before any student receiving special education services is expelled, the building principal should consult with the school district attorney and/or the general director of special services.

II. Acts of Behavior Considered Unacceptable

- A. The Topeka Public School District is committed to providing each student with a quality educational program in a school environment free of disruptions and distractions which interfere with teaching and learning activities. The district is committed to student discipline policies and procedures designed and implemented in such a way as to ensure that disciplinary sanctions do not include the loss of educational instruction time for any students, except in those cases where it is necessary to ensure the immediate safety of students and staff or when it is the only means of ensuring that student misbehavior does not substantially interfere with the delivery of educational instruction to others.**

The district sets expectations for appropriate behaviors that contribute in a positive way to the school and community. A proper balance between student rights and responsibilities is essential if the district is to provide educational experiences which allow all students to develop their fullest potential.

The teaching of self-discipline (responsibility for one's own actions) is the ultimate goal of this discipline policy. Good discipline is not just a side issue but is one of the major purposes of education. The district operates on the premise that every student has the right to learn, every teacher has the right to teach, and all staff and students have the right to be safe.

If students are to develop into responsible citizens for tomorrow, they must learn the art of self-discipline today. The majority of students in the district exhibit acceptable behaviors and understand the school expectations for behavior. The behaviors listed below go beyond the years a student is attending schools. These are lifelong behaviors and attitudes which employers look for in the world of work. Students who have a high degree of self-discipline exhibit such behaviors as:

- Positive self-concept
- Cooperative attitude
- Attitude of respect toward individuals and property

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- Appropriate study behavior
- Appropriate expressions, opinions, and ideas
- Responsibility for their own actions
- Self-motivation
- Guidance of their own behavior
- Consideration
- Attentiveness
- Self-control

When students do not exhibit appropriate behavior, it is the school's responsibility to implement a program for teaching and supervisory control, a system of essential rules, and, when necessary, just and constructive corrective measures.

Topeka Public Schools is committed to:

- Establish a positive learning atmosphere , with appropriate positive behavioral interventions and supports for students
- Assure the rights and responsibilities of students, parent(s), and school personnel
- Specify conduct that disrupts such an environment
- Specify logical responses to infractions , including the use of positive behavioral interventions and supports
- Standardize procedures to be used in responding to disciplinary problems.

When a student of the Topeka Public Schools demonstrates inappropriate behavior and corrective measures are necessary, the following factors will be considered:

1. Student's age
2. Student's ability-functioning level
3. Seriousness of the offense
4. Frequency of behavior
5. Circumstances and intent--including family circumstances and/or home environment situations
6. Potential effect of the misconduct on the school environment
7. Relationship of the behavior to any disability
8. Relationship of the behavior to alcohol or drug influence

Behaviors which are discriminatory and/or which interfere with the maintenance of good learning environment or which are antagonistic to the welfare of other students and staff are considered unacceptable.

Acts of behavior considered unacceptable consist of three levels of offenses and three corresponding levels of actions (consequences) to be taken. Each level of offense denotes the degree of severity of the offense. Each consequence level has an increasing level of

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intervention designed to assist a student in developing skills that are necessary for responsible student conduct as well as future adult functioning.

In addition to violations referred to in preceding Section I-A, specific acts of behavior by a student while attending or participating in school activities, while on school property, or while being transported in school buses, which are grounds for disciplinary action or suspension or revocation of transportation privileges, shall include but not be limited to the Level I, II, and III offenses.

B. Discipline Management - Levels of Offenses

SOME OFFENSES MAY FALL WITHIN MORE THAN ONE LEVEL DEPENDING ON THE STUDENT'S AGE, ABILITY-FUNCTIONING LEVEL, SERIOUSNESS OF THE OFFENSE, FREQUENCY OF BEHAVIOR, CIRCUMSTANCES AND INTENT-INCLUDING FAMILY CIRCUMSTANCES AND/OR HOME ENVIRONMENT SITUATIONS, POTENTIAL EFFECT OF THE MISCONDUCT ON THE SCHOOL ENVIRONMENT, RELATIONSHIP OF THE BEHAVIOR TO ANY HANDICAPPING CONDITION, AND RELATIONSHIP OF THE BEHAVIOR TO ALCOHOL OR DRUG INFLUENCE.

Level I Offenses	
CODE	TITLE—DEFINITION
2098	DISCRIMINATORY REMARKS—use of language or conduct that slurs another person's race, religion, disability, gender, sexual orientation, gender expression, gender identity or ethnic heritage. Repeated conduct or conduct which is or rises to the level of discriminatory harassment is a Level II offense.
2510	TOBACCO POSSESSION IN UNAUTHORIZED PLACES - Possession of tobacco products by students under 18 years of age at school
2530	TOBACCO USE - Use of tobacco products at school. Repeated offenses may be treated as Level II offenses.
3320	ACADEMIC MISCONDUCT—Any type of cheating that occurs in relation to a formal academic assignment, including plagiarism, fabrication, deception, bribery or sabotage. Academic misconduct may result in academic sanctions in lieu of or in addition to disciplinary sanctions.
3330	DISRUPTIVE BEHAVIOR--UNRULY CONDUCT THAT DISRUPTS SCHOOL - Any behavior that materially and substantially disrupts the normal operation of school or school activities
3360	USE OF OBSCENITY OR PROFANITY—Conduct or behavior offensive to accepted school standards of decency or modesty; using or displaying abusive, vulgar, or degrading language or actions.
3880	INSUBORDINATION—Overt and immediate refusal to follow a direction
3385	FAILURE TO SERVE DISCIPLINARY CONSEQUENCES - Refusal or failure to serve detention, in-school suspension or Saturday School after being duly notified that such discipline has been imposed.
4200	TRESPASSING—Entering or remaining on school property or in a school facility without authorization or invitation and with no lawful purpose for entry.
5000	INAPPROPRIATE COMPUTER USE—Any violation of the district's acceptable use of computers, use of electronic communication devices or other computer policies
5130	TARDIES(EXCESSIVE)—repeatedly arriving late to a scheduled class or assigned appointment
9999	ABSENCES (EXCESSIVE)—repeated failure to comply with Kansas school attendance laws.

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LEVEL I CONSEQUENCES

INFORMAL TALK - A school official (teacher, administrator, or counselor) will talk to the student, try to identify the causes of the misbehavior and try to reach an agreement regarding how the student should behave in the future.

DISCIPLINARY REFERRAL - The student is sent to confer informally with the school administrator or other school official. A written record of the referral is maintained in the student's cumulative folder.

CONFERENCE - A formal conference is held between the student and one or more school officials. (The parent will frequently be involved at this point.)

DETENTION - The school may detain the student or limit participation in school-related activities for infractions of the code of conduct or other school regulations.

LOSS OF PRIVILEGES – Participation in school-sponsored activities, use of computer resources, and/or other privileges may be limited or suspended.

IN-SCHOOL SUSPENSION - The student is temporarily removed from one or more classes but remains under appropriate supervision of the school. Academic support services should be provided in in-school suspension and the student should be allowed to keep up with and complete assignments, although separated from the classroom environment.

Level II Offenses	
CODE	TITLE—DEFINITION
1010	BATTERY—Intentionally touching or striking another person against his or her will
1030	FIGHTING—Mutual participation in an incident involving physical violence; no major injury
1098	VIOLENT ACT AGAINST STUDENT - Violent attack on a student, whether or not the student fights back, that results in or causes injury requiring medical treatment; use of a weapon to injure another
1210	POSSESSION OF A WEAPON (BOARD DEFINITION) – Possessing or transmitting any device, object or substance that, in fact or under the circumstances, can reasonably be considered sufficient to cause serious harm.
2000	THREATS (NON-BULLYING)—Actions causing fear of harm without physical attack, whether or not repeated or persistent
2010	INTIMIDATION - Language or conduct that frightens, or inhibits another person.
2015	BULLYING—PHYSICAL—Intentional and repeated use of overt bodily acts (e.g., tripping, shoving, punching or destroying property) to gain power over peers
2016	BULLYING—VERBAL—Intentional and repeated use of name calling, taunting, threatening, belittling or other abusive remarks to gain power over peers
2017	CYBERBULLYING—Use of an electronic communication device to bully
2018	BULLYING—RELATIONAL—Systemic diminishment of a targeted student's sense of self with the goal of hurting or diminishing their standing with peers
2020	DISCRIMINATORY HARASSMENT—Unwelcome remarks or behavior based on a student's race, religion, disability, gender, sexual orientation, gender expression, gender identity or ethnic heritage that is severe, persistent or pervasive enough to create an intimidating or hostile learning environment
2030	SEXUAL HARASSMENT - Unwelcome sexual remarks or advances, requests for sexual contact or favors, or other physical, verbal or graphic conduct that is severe, persistent or pervasive enough to create an intimidating or hostile learning environment

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2080	SCHOOL THREAT—Any threat (verbal, written or electronic) by a person to bomb or use other devices for the purpose of exploding, burning or causing damage to school property or harm to students or staff
2099	DISCRIMINATORY REMARKS—Repeated use of language or conduct that slurs another person's race, religion, disability, gender, sexual orientation, gender expression, gender identity or ethnic heritage.
2120	ALCOHOL POSSESSION – Possession with intent to consume an alcoholic beverage at school
2140	ALCOHOL USE—Use or consumption, or being under the influence of alcoholic beverages at school
2310	MARIJUANA POSSESSION –Possession with the intent to use marijuana at school
2320	MARIJUANA USE-- Use, consumption or being under the influence of marijuana at school
2340	POSSESSION OF ILLICIT DRUGS--Possession with the intent to use narcotics or drugs at school
2350	USE OF ILLICIT DRUGS--Use, consumption or being under the influence of narcotics or drugs at school
3380	OPEN DEFIANCE - Willful, overt and immediate refusal to follow the direction of a teacher, administrator or other authorized school personnel in the performance of their duty
3398	UNRULY CONDUCT ON SCHOOL TRANSPORTATION - Any behavior that disrupts the normal operation of a school bus or other school transportation; failure to comply with authorized school transportation regulations
3399	GANG-RELATED ACTIVITY—Committing an act that furthers gangs or gang-related activity
4000	THEFT/ STEALING - Using r taking, or being in possession of the property of another person or school district property without rightful ownership or permission.
4410	VANDALISM—SCHOOL PROPERTY - Willfully destroying, defacing or damaging school district property.
4450	VANDALISM –PERSONAL PROPERTY- Willfully destroying, defacing, or damaging the property of another person.
1000	COMMISSION OF A MISDEMEANOR AT SCHOOL—Commission of any misdemeanor not specifically set forth in this policy

LEVEL II CONSEQUENCES**ANY LEVEL I CONSEQUENCE**

IN-SCHOOL SUSPENSION - The student is temporarily removed from one or more classes but remains under appropriate supervision of the school.

AFTER OR BEFORE SCHOOL PROGRAMS/SATURDAY SCHOOL - The student attends in-school suspension under appropriate supervision before or after school or on Saturday(s).

SHORT-TERM SUSPENSION - A student is removed from school, for not more than ten (10) consecutive school days.

Level III Offenses

CODE	TITLE—DEFINITION
1020	SEXUAL ASSAULT—Engaging in sexual act(s) against a person's will or with a victim incapable of consent; rape; indecent liberties; child molestation
1099	VIOLENT ACT AGAINST STAFF - Staff struck while breaking up a fight; assault/battery against staff; used a weapon to threaten or injure staff; or caused an injury to staff requiring medical treatment.
1230	USE OF A WEAPON—Using any weapon, as defined by the Board or state and federal statutes, at school, on school property or at a school-sponsored event, in a manner that threatens or is believed to threaten the safety of self or others.
1299	POSSESSION OF A WEAPON (FEDERAL AND STATE DEFINITIONS) - Possession of a weapon, including firearms, as defined by federal and state law, at school.
2099	EXTORTION - Obtaining or attempting to obtain money or property by violence or threat of violence.

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2160	ALCOHOL—SALE/SOLICITATION – Selling, purchasing, or possessing alcoholic beverages with the intent to sell at school
2330	MARIJUANA SALE/SOLICITATION— Selling, purchasing, or possessing marijuana with the intent to sell at school
2360	SALE/SOLICITATION OF ILLICIT DRUGS-- Selling, purchasing, or possessing illicit drugs with the intent to sell at school
3000	ARSON—Causing unlawful and intentional damage to a school or personal property through the use of fire or an incendiary device
1000	COMMISSION OF A FELONY, ON OR OFF CAMPUS

LEVEL III CONSEQUENCES

ANY LEVEL I OR LEVEL II CONSEQUENCE –Application of a Level I consequence requires consultation with and approval by the General Director of Elementary Education, General Director of Secondary Education, or the Assistant Superintendent for Teaching, Learning and Administration.

EXTENDED TERM SUSPENSION - A student is removed from school for more than ten (10) school days, but not more than 90 school days.

EXPULSION - A student is removed from school for more than 90 school days but not more than 186 school days.

WARNING: Possession of a weapon or firearm as defined by federal and state law will result in a full one calendar year expulsion as required by federal and state law!

WARNING: Pursuant to K.S.A. 72-89c02 driving privileges will be revoked by the State of Kansas for one year for any student who is extended term suspended or expelled for: (1) possession of a weapon at school, upon school property, or at a school-supervised activity; or (2) possession, use, sale or distribution of an illegal drug or a controlled substance at school, upon school property, or at a school-supervised activity; or (3) behavior at school, upon school property, or at a school-supervised activity, which resulted in, or was substantially likely to have resulted in, serious bodily injury to others.

C. Discipline Management - Actions to be Taken

All school district staff shall have authority over students to direct and correct their behavior while students are at school, on school district property or attending a school-sponsored event. All students are expected to obey and comply with the reasonable requests and directives of school district staff.

Depending upon the frequency and severity of a student’s misbehavior, school officials may take one or more disciplinary actions. Disciplinary actions should be progressive unless the nature of the offense is so serious or disruptive that each successive step may not be appropriate or required.

At the discretion of the administrator or other person authorized by this policy to impose student discipline, any of the three level consequences may be imposed for any

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of the three level offenses except that Level II or III consequences may not be used for excessive tardies or excessive absences. Prior to imposing a Level III action for a Level I offense or imposing a Level I action for a Level III offense, approval must be granted by the General Director of Elementary Education, General Director of Secondary Education, or the Assistant Superintendent for Teaching, Learning and Administration.

If any offense involves a readily demonstrable monetary loss to the school district or staff, the district may seek restitution as a part of the disciplinary action to be taken.

Parental involvement will be sought at all three levels. Parent(s) or person(s) acting as a parent or guardian(s) shall be notified by telephone, personal contact, letter, letter, or e-mail whenever a student is disciplined for any offense coded as a Level I, II, or III offense by this policy. A conference may be conducted between student, parent(s) or person(s) acting as a parent or guardian(s), appropriate school personnel, and any other individuals concerned. State law requires notice to parent(s) or person(s) acting as a parent or guardian(s) of any proposed short- or extended-term suspension or expulsion.

All consequences authorized in this policy shall be available at all schools of USD 501.

D. Off-Campus Activities. Generally, the school district does not attempt to govern student conduct that occurs off school property and outside of school hours. However, the student discipline policy shall apply to student conduct that occurs off school property and would violate the Code of Student Conduct if:

1. There is a nexus between the proximity or timing of the conduct in relation to the student's attendance at school or school-sponsored activities.
2. The student is a member of an extracurricular activity and has been notified that particular off-campus conduct could result in exclusion from such activities.
3. Student expression or conduct materially and substantially disrupts the operations of the school, or the administration reasonably anticipates that the expression or conduct is likely to materially and substantially disrupt the operations of the school.
4. The conduct has a direct nexus to attendance at school or a school-sponsored activity, such as an agreement made on school property to complete a transaction outside of school that would violate the code of Student Conduct.
5. The conduct involves the theft of or vandalism to school property.
6. The conduct constitutes the commission of a felony.

III. Corporal Punishment

Corporal punishment, as defined in this policy, (see Definition No. 1, page 1) is hereby prohibited. Corporal punishment shall not be used to maintain order in the school nor shall it be used as a means of punishing, disciplining, or correcting students.

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IV. Restraint

Teachers, administrators, campus police officers, and other staff may use reasonable means including physical contact, appropriate at the moment if it is necessary to prevent a student from harming others or himself/herself. Restraint may also be used to detain a student reasonably suspected of misconduct or when the student's actions interfere with the maintenance of good learning environment. Use of restraint with any student shall comply with the requirements of Policy 8120.

V. Suspension or Revocation of Transportation Privilege

Certified personnel authorized by the Board of Education to suspend and expel students under Section I-C of this policy are also authorized to suspend or revoke the transportation privilege or entitlement of any pupil who violates rules and regulations adopted by the Board of Education governing conduct while being transported in school buses.

VI. Specific Rules Governing Short-Term Suspension

- A. A short-term suspension may not exceed a period of ten (10) consecutive school days. Students with disabilities receiving special education services or Section 504 accommodations may be suspended under these rules. These suspensions shall be considered a change in placement only if the student is subjected to a series of removals that constitutes a pattern because they total more than ten (10) school days in a school year, and because the child's behavior is substantially similar to the child's behavior in the incidents that resulted in the series of removals; and because of factors such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another. This determination shall be made on a case-by-case basis. If it is determined that a change of placement has occurred, the rules governing the imposition of long-term suspension for disabled students receiving special education shall apply.**
- B. Any certified staff member described in Section I-C of this policy may make a short-term suspension.**
- C. Except in emergency situations, as described in subsection D of this policy, a short-term suspension (not exceeding ten (10) school days) must be preceded by oral or written notice of the charges to the student and an informal hearing. 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 or in mitigation of the charges or accusations after receiving notice of the charges.**

At the conclusion of the hearing, the certified staff member conducting said hearing shall make a written determination of whether a short-term suspension shall or shall not be imposed, stating the specific grounds for such determination, and shall fix the days of suspension, if any. The decision shall be final.

Notice of the decision shall be delivered personally or mailed to the student and the parent(s) or person(s) acting as parents or guardian(s). Notice to the student and parent(s) or person(s) acting as parents or guardian(s) shall be addressed to the

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addresses on file in the student's records within 24 hours after the hearing has been concluded.

- D. On rare occasions, when a student's presence in a school or on school grounds or at a school activity poses a danger to persons or property or substantially disrupts, impedes, or interferes with the operation of the school or school activity, the student may be immediately removed from the school or school grounds or school activity without an informal hearing. A short-term suspension, on a specific charge or charges, shall be imposed immediately against the student by any certified staff member described in Section I-C of the policy.

Written notice of such immediate short-term suspension, the specific charge or charges against the student, the names of the witnesses against the student, an explanation of the evidence the school authorities have against the student, and a copy of this regulation governing short-term suspension shall be given personally or by mail to the student and to the parent(s) or person(s) acting as parents or guardian(s) within 24 hours after the immediate short-term suspension is imposed. The notice shall state the time and place of an informal hearing on the specific charge or charges against the student to be held before a certified staff member, which hearing shall be held not later than 72 hours after the short-term suspension was imposed. Failure of the student and the student's parent(s) or person(s) acting as a parent or guardian(s) to attend the hearing will result in a waiver of the student's opportunity for the hearing.

At such informal hearing, the student and the certified staff member holding the hearing shall discuss the specific misconduct charged against the student, giving the student an explanation of the evidence against the student and shall give the student the right to admit or deny the charges and to tell his/her version of the facts relating to the charges.

The burden of proof shall be on the school authorities, and the student shall be entitled to a fair and orderly hearing and an impartial decision based on substantial evidence.

At the conclusion of the informal hearing, the certified staff member before whom the hearing is held shall make a written determination of whether the immediate short-term suspension shall be sustained or whether the short-term suspension shall be rescinded and expunged from the student's records, stating the specific grounds for such determination. Such determination shall be final. A copy of said determination shall be delivered personally or mailed to the student, the parent(s) or person(s) acting as parents or guardian(s), and counsel, if counsel appeared at the hearing. Notice to the student, parent(s) or person(s) acting as parents or guardian(s) shall be addressed to the addresses on file in the student's records within 24 hours after the hearing has been concluded.

- E. After a child with a disability has been removed from his or her current placement for ten (10) school days in the same school year, if the current removal is for not more than ten (10) consecutive school days and is not a change of placement as discussed paragraph A. above, school personnel, in consultation with at least one of the child's teachers, should determine the extent to which special education and related services

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are needed, so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.

- F. Services need not be provided during periods of removal under this section to a child with a disability who has been removed from his or her current placement for 10 school days or less in that school year, if services are not provided to a child without disabilities who has been similarly removed.
- G. Certified staff members holding hearings on short-term suspensions may administer oaths for the purpose of taking testimony and may take any other action necessary to make the hearing be in accordance with procedural due process and rules of the Board of Education.
- H. Except as provided in paragraph C-1 above, when any short-term suspension is imposed during the school day, the student shall not be removed from the school until the parent(s) or person(s) acting as parents or guardian(s) thereof have been notified. In the event that the student's parent(s) or person(s) acting as parents or guardian(s) cannot be notified during the regular school hours, the student shall remain under the jurisdiction of the school until the regular dismissal time.
- I. Whenever any written notice is required under this regulation to be given to the parent(s) or person(s) acting as parents or guardian(s) of any student or the student, it shall be deemed given when the same is mailed to the parent(s) or person(s) acting as parents or legal guardian(s) or student at the addresses on file in the school records of the student. In lieu of or in addition to mailing, the same notice may be personally delivered.

VII. Specific Rules for Extended Suspensions and Expulsions Beyond a Period of Ten School Days

- A. In the event that the available evidence seems to warrant extended suspension or expulsion from school as provided by law or by regulation for student conduct adopted or approved by the Board of Education, the duly authorized certified staff members may suspend a student from school for a period which shall not exceed 90 consecutive school days (extended term) or expel a student for a period which shall not exceed 186 consecutive school days, except an expulsion for possession of weapons as defined by the Federal Gun Free Schools Act and K.S.A. 72-89a01 shall be for one calendar year.
 - 1. For disabled students receiving special education certain procedures must be followed before student is removed.
 - a. **Manifestation determination:** Except for removals that will be for not more than ten (10) consecutive school days and will not constitute a change of placement as discussed in VI. A. above, within ten (10) school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the district, the parent, and relevant members of the child's IEP Team (as determined by the parent and the district) must review all

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relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine:

- (1) If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
- (2) If the conduct in question was the direct result of the district's failure to implement the IEP.

The conduct must be determined to be a manifestation of the child's disability if the district, the parent, and relevant members of the child's IEP Team determine that a condition in either paragraph (1) or (2) of this section was met.

2. If the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the child's disability, school personnel may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to children without disabilities, except a child with a disability who is removed from the child's current placement must:
 - a. Continue to receive educational services, so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP; and
 - b. Receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.
 - c. Not later than the date on which the decision to take disciplinary action is made, the district must notify the parents of that decision, and provide the parents a copy of their procedural safeguards notice (Parent Rights in Special Education).
3. Determination that behavior was a manifestation. If the LEA, the parent, and relevant members of the IEP Team make the determination that the conduct was a manifestation of the child's disability, the IEP Team must—
 - a. Either—
 - (1) Conduct a functional behavioral assessment, unless the LEA had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the child; or
 - (2) If a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior; and

4. The right of the student to present witnesses in person or their testimony by affidavit;
 5. The right of the student to testify and to give reasons for the student's conduct;
 6. If the student charged denies the credibility of the evidence of any witness against him/her, such witness shall be called to testify under oath, subject to cross-examination by the student or his or her representative. The student charged shall also be afforded the right to testify under oath, and if the student so testifies, the student shall be subject to cross-examination by school authorities;
 8. The right of the student to have an orderly hearing; and
 9. The right of the student to a fair and impartial decision based on substantial evidence.
- E. Upon the request of any student or the student's parent(s) or person(s) acting as a parent or guardian(s), or counsel, the hearing officer shall petition the chief judge of the Shawnee County District Court to request that the clerk of the district court be authorized to issue subpoenas for the attendance and testimony of witnesses and the production of books, records, reports, papers, or documents relating to the proposed suspension or expulsion.
- F. A record of the hearing shall be made by mechanical, electronic, or digital recording, at the district's expense.
- G. Upon completion of any formal hearing, which results in imposition of a long-term suspension or expulsion, should it appear to the district level hearing officer that a violation of a criminal statute or a city ordinance may have occurred concurrently with the acts upon which such long-term suspension or expulsion is based, such person or committee conducting the hearing shall report the same to the appropriate law enforcement agency, if it was not reported at the time of incident.
- H. Upon the conclusion of any formal hearing that results in a suspension for an extended term or an expulsion, the district level hearing officer who conducts such formal 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 through the office of the superintendent, and copies of the report will be mailed by United States mail or personally delivered to the student, to the parent(s) or person(s) acting as parents or guardian(s), and to counsel, if counsel appeared at the formal hearing, within twenty-four (24) hours after determination of the result of the formal hearing.
- I. The principal or his/her designated representative shall inform the suspended or expelled student and the parent(s) or person(s) acting as a parent or guardian(s) of the opportunities the student has for maintaining school work during the period of suspension or expulsion. However, in case of long-term suspension or expulsion, a student may lose credit in those course(s) in which s/he was enrolled at the time of suspension/expulsion.

- J. Before the next available school term, the parent(s) or person(s) acting as a parent or guardian(s) of a suspended or expelled student will be reminded of the student's right to reenter for the new term.**
- K. In all cases of expulsions required by the Federal Gun-Free Schools Act, the formal hearing may be conducted by the superintendent of schools, a district level hearing officer, or a special hearing officer appointed by the Board of Education for a specific hearing. The person conducting the formal hearing shall follow the same procedures as set forth above in this section. However, only the superintendent may modify the expulsion to a term of less than one calendar year and/or may place the student in an alternative educational setting.**
- L. Special Circumstances for Special Education Students only: School personnel may remove a student with a disability to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, if the child—**
- 1. Engages in the following behavior:**
 - a. Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the district's jurisdiction;**
 - b. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the district's jurisdiction; or**
 - c. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the district's jurisdiction.**
 - 2. Procedures**
 - a. The appropriate services and the location in which these services will be must be determined by the IEP team and will enable the student to:**
 - (1) Continue to receive educational services, so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP; and**
 - (2) Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.**
 - b. Not later than the date on which the decision to take disciplinary action is made, the district must notify the parents of that decision, and provide the parents a copy of their procedural safeguards notice (Parent Rights in Special Education).**
- M. The parent of a child with a disability who disagrees with any decision regarding placement or the manifestation determination, the parent may request a special education due process hearing. If the district believes that maintaining the current placement of the child is substantially likely to result in injury to the child or others, the district may request a special education due process hearing.**

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1. A special education due process hearing officer, as determined under state statute, regulation or state written policy hears, and makes a determination regarding, an hearing requested under this section. The hearing officer may:
 - a. Return the child with a disability to the placement from which the child was removed if the hearing officer determines that the removal contained procedural violations, the child's placement was inappropriate or that the child's behavior was a manifestation of the child's disability; or
 - b. Order a change of placement of the child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of the child is substantially likely to result in injury to the child or to others.
2. These procedures may be repeated, if the district believes the child would be dangerous if returned to the original placement.
3. This hearing will be expedited under KSDE regulations, and the hearing and any appeal of the decisions made at this hearing will comply with the procedures set forth in KSDE rules and regulations.

VIII. Appeal from Extended Suspension or Expulsion

Any student 18 years of age or older who has been suspended for an extended term or expelled, or one of the parent(s) or person(s) acting as parents or guardian(s) of a student younger than 18 years, may appeal such suspension or expulsion to the Board of Education of the school district by filing a written notice of appeal with the clerk of the Board of Education within ten (10) calendar days after receiving the written report of the findings and result of the hearing. The hearing upon any such appeal shall be heard by a district level appeal hearing officer or officers appointed by the Board, and subject to the following procedures:

- A. The appeal hearing before the district level appeal hearing officer shall be held within a reasonable time but not later than twenty (20) calendar days after such notice of appeal is filed.
- B. The student and the parent(s) or person(s) acting as parents or guardian(s) and any authorized person acting in his/her behalf, including legal counsel for the student, if any, shall be notified of the time and place of the appeal hearing; such notice, in writing, to be served upon such persons by personal service or by depositing a copy thereof in the United States mail at least five (5) calendar days prior to the date of such hearing, properly addressed to such persons.
- C. The appeal hearing by the district level appeal hearing officer shall follow the procedures set forth in the preceding section of this policy. Failure of the student and the student's parent(s) or person(s) acting as a parent or guardian(s) to attend the appeal hearing will result in a waiver of the student's opportunity for the appeal hearing.

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- D. The burden of proof at the appeal remains with school officials.
- E. The Board itself does not have the power to issue subpoenas; but the Board, to the extent of its authority, will require the attendance at the hearing of such students or other witnesses and school personnel as it may deem necessary or proper for the presentation of all evidence and for the rendering of a just decision. The district level appeal hearing officer shall observe the provisions of K.S.A. 72-8906 in requesting the issuance of subpoenas. Requests for the issuance of subpoenas must be made to the hearing officer in writing no later than five (5) calendar days before the appeal hearing is scheduled to commence.
- F. In all expulsion or extended-term suspension cases, a record of the appeal hearing shall be made by mechanical or electronic recording or by an official court reporter, and the costs thereof shall be paid by the school district. Videotaping of any appeal hearing may only be done by the court reporter, at the discretion of the hearing officer if requested by a parent or person acting as a parent or guardian or student and shall be at the parent's or person acting as a parent or guardian or student's expense.
- G. The Board of Education shall receive the report and recommendations of the district level appeal hearing officer and render its decision not later than the next regularly-scheduled meeting of the board following the date of the conclusion of the hearing of the appeal by the district level appeal hearing officer.
- H. The decision of the Board of Education shall be final, but the student, the parent(s) or person(s) acting as a parent or guardian(s), or any person acting in the student's behalf shall not be precluded from review of the decision by the courts as may be provided by law. Parent(s) or person(s) acting as parents or guardian(s) of special education students may exercise special education due process rights by contacting the Kansas State Board of Education.
- I. In the event the matter should be appealed to the courts, the attorney for the school district shall represent and appear for and on behalf of the school district, its Board members, officers, and employees who are parties to any such court proceedings.

IX. Return to School

- A. Before a student suspended for a drug or alcohol related violation of this policy returns to school, said student must provide evidence of a consultation with a substance abuse specialist wherein said student's substance abuse problem was assessed and evaluated. Consultations with specialists of the student's own choosing will be at the student's own expense. An initial consultation with Shawnee Regional Prevention and Recovery Services, Inc., 2209 SW 29 Street, Topeka, KS 66611-1908, Telephone No. 266-8666, Fax No. 266-3833, is provided at no cost. The cost of additional consultations is the responsibility of the student and his or her parents and guardians.

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- B. Before any student returns to school from any short-term suspension, extended-term suspension or expulsion, said student may be required to provide to the administrator or other person imposing such discipline, a written report (minimum one page) detailing what the student learned from his/her disciplinary experience.

X. Probationary Return to School

- A. Any punishment, suspension or expulsion, may be deferred by the principal or hearing officer, if one has been appointed for a hearing on a suspension or expulsion in excess of 10 days.
- B. In lieu of being suspended or expelled, the student involved in misconduct may be placed on probation, pursuant to a written and signed agreement setting forth the terms and conditions of the probation for a set period of time. The period of probation for a pupil shall be for a term set by the principal or hearing officer, and shall not exceed 186 school days.
- C. The punishment of 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 and reported to the Assistant Superintendent for Teaching/Learning/Administration.
- D. A student placed on probation must admit guilt to the charges and shall be given a written list of the terms and conditions of the probation. The student shall sign a statement indicating 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.
- E. It shall be a Level III offense for a pupil placed on probation to willfully violate any term of the probationary agreement or any published USD 501 regulation for pupil conduct. A pupil on probation retains the right to a hearing that complies with due process as set forth in the Suspension and Expulsion of Pupil Act, but only on the question of whether he/she violated the terms or probation or willfully violated the code of student conduct while on probation, before the extended suspension or expulsion is imposed.
- F. A pupil admitting guilt to an extended suspension offense or expellable offense shall not be placed on probation unless such placement would be in the best interests of the school district and the pupil.

XI. Exclusion from School

As authorized by K.S.A. 72-8907, as amended, any student who has been suspended or expelled from school by any school district may be refused participation in any school activity and may be refused admission to school in any other school district, regardless of residency, until such time as the period of suspension or expulsion has expired. If a suspension or expulsion is for a term exceeding the number of school days remaining in the

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school year, any remaining part of the term of the suspension or expulsion may be applied to the succeeding school year.

XI. Filing and Notice

This policy shall be filed with the Kansas State Board of Education as required by law. This policy shall be included in its entirety in the Student Handbook, which is provided annually to parent(s) or person(s) acting as parent(s) and guardian(s) at enrollment.

XII. Deadlines and Time Limits

As used in this policy, in reference to the sending of notices, the conduct of hearings, and the filing of appeals are clock hours and calendar days set by statutes of the state of Kansas and may not be extended without written consent of both the parent/guardian (or student, if 18 years or older), and the school district. Requests by the parent or person acting as a parent or guardian or student to continue any scheduled hearing to a later date must be submitted in writing with an explanation of the reason therefor. Continuances can only be granted by the designated hearing officer. If a deadline or time limit falls on a weekend or holiday or other nonschool-attendance day, it may be extended only by the written agreement of both the parent/guardian (or student, if 18 years or older), and the school district.

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