

# Exhibit 6

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**Policy 5610 – Suspension and Expulsion of Students (Revised)**



Book	Policy Manual
Section	Policies for the Board - 33-1
Title	Copy of SUSPENSION AND EXPULSION OF STUDENTS
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#### 5610 - **SUSPENSION AND EXPULSION OF STUDENTS**

The School Board recognizes that removal from the educational programs of the Corporation, whether by suspension or expulsion, is the most severe sanction that can be imposed on a student in this Corporation and one that cannot be imposed without due process since removal deprives a child of the right to an education.

No student is to be suspended and/or expelled from an activity, program, or a school unless his/her behavior represents misconduct or substantial disobedience while the student is on school grounds immediately before or during school hours, or immediately after school hours, or at any other time when the school is being used by a school group; off school grounds at a school activity, function, or event; or traveling to or from school or a school activity, function, or event.

In addition to the grounds specified above, a student may be suspended or expelled for engaging in unlawful activity on or off school grounds if the unlawful activity may reasonably be considered to be an interference with school purposes or an educational function, or the student's removal is necessary to restore order or protect persons on school property, including any unlawful activity during weekends, holidays, other school breaks, and the summer period when a student may not be attending classes or other school functions.

Furthermore, a student may be suspended or expelled for bullying, regardless of the physical location in which the bullying occurred, whenever:

- A. the individual committing the bullying behavior and any of the intended targets of the bullying behavior are students attending a school within a school corporation; and
- B. disciplinary action is reasonably necessary to avoid substantial interference with school discipline or prevent an unreasonable threat to the rights of other to a safe and peaceful learning environment.

The following specific acts set forth below are examples of student misconduct and/or substantial disobedience. These acts are prohibited and offenders may be subject to suspension and/or expulsion for such misconduct or substantial disobedience:

- A. Using violence, force, noise, coercion, threat, intimidation, fear, passive resistance, or other comparable conduct constituting an interference with school purposes, or urging other students to engage in such conduct prohibited by this subdivision:
  - 1. Occupying any school building, school grounds, or part thereof with intent to deprive others of its use.
  - 2. Blocking the entrance or exits of any school building or corridor or room therein with intent to deprive others of lawful access to or from, or use of the building, corridor, or room.

3. Setting, or attempting to set fire to, any school building or property.
4. Prevention of or attempting to prevent by physical act the convening or continued functioning of any school or educational function, or of any lawful meeting or assembly on school property.
5. Continuously and intentionally making noise or acting in any manner so as to interfere seriously with the ability of any teacher or any of the other school personnel to conduct the educational function under his/her supervision.

This subdivision shall not, however, be construed to make any particular student conduct a ground for expulsion where such conduct is constitutionally protected as an exercise of free speech or assembly or other right under the Constitution of Indiana or the United States.

- B. Trespassing, vandalizing school property, causing or attempting to cause substantial damage to school property, stealing or attempting to steal school property of substantial value, or repeatedly damaging or stealing school property of small value.
- C. Intentionally causing or attempting to cause substantial damage to valuable private property, stealing or attempting to steal valuable private property, or repeatedly damaging or stealing private property.
- D. Intentionally causing or attempting to cause physical injury or intentionally behaving in such a way as could reasonably cause physical injury to any person. It is the Board's position that students must learn to deal with conflict in a mature manner. This includes learning alternative responses to physical confrontation.
  1. Self-defense or reasonable action undertaken on the reasonable belief that it was necessary to protect some other person does not, therefore, constitute a violation of this provision.
  2. For the purpose of this policy and code, "reasonable action" shall mean the course of action which:
    - a. Utilizes physical force only when non-physical alternatives (e.g. retreat, or notification of supervisory personnel) are not available.
    - b. Does not constitute the initiation of a physical confrontation.
    - c. Does not utilize excessive force.
  3. For the purpose of this policy and code, "reasonable belief" shall be:
    - a. Belief that no non-physical alternatives were available;
    - b. In response to unanticipated use of physical force.
- E. Threatening or intimidating any student for the purpose of, or with the intent of, obtaining money or anything of value from the student.
- F. Knowingly possessing, handling, or transmitting a knife or any other object that can reasonably be considered a weapon. A student who must use a knife as part of an organized activity held by an organization that has been approved by the principal of the school is exempt from application of this subsection so long as the knife is used as part of or in accordance with the approved organized activity.
- G. Knowingly possessing, using, transmitting, or being under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, or intoxicant of any kind. Use of a drug authorized by a medical prescription from a physician is not a violation of this subdivision.
- H. Engaging in the unlawful selling of a controlled substance or engaging in a criminal law violation that constitutes a danger to other students or constitutes an interference with school purposes or an educational function.
- I. Failing in a substantial number of instances to comply with directions of teachers or other school personnel during any period of time when the student is properly under their supervision, where the failure constitutes an interference with school purposes or an educational function.
- J. Engaging in any activity forbidden by the laws of Indiana that constitutes an interference with school purposes or an educational function.

- K. Violating or repeatedly violating any rules that are reasonably necessary in carrying out school purposes or an educational function.
- L. Knowingly possessing or using on school grounds during school hours an electronic paging device or a handheld portable telephone in a situation not related to a school purpose or an educational function.
- M. Engaging in conduct or in speech that threatens, intimidates or coerces a teacher, administrator, supervisory employee, or adult volunteer who is in the performance of his/her duties.
- N. Engaging in speech or conduct, including clothing, jewelry, or hair style, which is profane, indecent, lewd, or offensive to school purposes.
- O. Engaging in sexual misconduct in any form whether by word or action, inclusive of sexual harassment.
- P. Wearing any type of apparel or grooming style that interferes with the educational process, creates an actual or potential health or safety hazard, or causes, or threatens to cause damage to school property.

A Student Code of Conduct, approved by the Board, shall specify the procedures to be followed by school officials when administering this policy. In addition to the procedural safeguards and definitions set out in this policy and the student/parent handbook, the procedures set forth in Policy 5605 shall apply to students identified as disabled under IDEA.

For purposes of this policy and the Superintendent's administrative guidelines, the following definitions shall apply:

- A. "Suspension" shall be the temporary removal of a student by the school principal from the Corporation's program for a period not to exceed ten (10) school days. A student may be suspended for a longer period of time in accordance with the provisions of I.C. 20-33-8-23 pending expulsion.

If a student is suspended, the student is required to complete all assignments and school work assigned during the period of the student's suspension. The principal or the principal's designee shall ensure that the student receives notice of any assignments or school work due and teacher contact information in the event that the student has questions regarding the assignments or schoolwork. The student will receive credit, in the same manner as a student who is not suspended would receive, for any assignments or school work assigned during the period of the student's suspension that the student completes. The student shall be allowed to make up missed tests or quizzes when the student returns to school.

- B. "Expulsion" means a disciplinary or other action where by a student is:

1. separated from school attendance for a period exceeding ten (10) school days;
2. separated from school attendance for the balance of the current semester or current year unless a student is permitted to complete required examinations in order to receive credit for courses taken in the current semester or current year; or
3. separated from school attendance for at least one (1) calendar year pursuant to I.C. 20-33-8-16 for possession of firearms, deadly weapons or destructive devices, which may include an assignment to attend an alternative school, an alternative educational program, or a homebound educational program.

The term does not include situations when a student is disciplined under I.C. 20-33-8-25, removed from school pursuant to I.C. 20-34-3-9, or removed from school for failure to comply with the immunization requirements of I.C. 20-34-4-5.

Any student who brings a firearm, as defined in I.C. 35-31.5-2-86, or a destructive device, as defined in I.C. 35-47.5-2-4 to school or onto school property or at a school-related activity or is in possession of a firearm shall be expelled for at least one (1) calendar year unless the Superintendent reduces the punishment for reasons justified by the particular circumstances of the incident.

If the student brings a deadly weapon as defined in I.C. 35-41-1-8 onto Corporation property or is found to possess a deadly weapon on Corporation property or at a school-related activity, s/he may be expelled for a period of not more than one (1) calendar year unless the Superintendent reduces the punishment for reason justified by the particular circumstances of the incident. The Superintendent shall notify the law enforcement agency designated by the Prosecuting Attorney immediately when a student possesses a firearm, destructive device, or deadly weapon on school property or at a school-related activity.

The Superintendent shall ensure that a copy of this policy is sent to the State Department of Education as well as a

description of the circumstances surrounding any expulsions for the above-stated firearms or weapons offense together with the name of the school, the number of students so expelled, and the types of firearms or weapons that were brought on Corporation property.

The Corporation shall annually prepare a list of:

1. alternative education programs in the same county in which the Corporation is located or a county immediately adjacent to the county in which the Corporation is located; and
2. virtual charter schools;

in which a student may enroll if the student is expelled. The list must contain contact information for the entities described above and must provide the student and the student's parent notice that the student may be required to comply with I.C. 20-33-2 or any statute relating to compulsory school attendance in accordance with I.C. 20-33-8-31. A copy of the list shall be provided to the student or the student's parent at the expulsion meeting. If the student or student's parent fails to attend an expulsion meeting, a copy of the list shall be mailed to the student's residence.

If a student is expelled from school or from any educational function, the student's absence from school because of the expulsion is a violation of I.C. 20-33-2 or any other statute relating to compulsory school attendance if the student may enroll in:

1. an alternative education program in the county where or in a county immediately adjacent to the county where the Corporation from which s/he was expelled is located; or
2. a virtual charter school

and the student does not enroll in an alternative education program or a virtual charter school during the student's expulsion. In the event an alternative education program or virtual charter school is not available for a student to attend under this subsection, the student's expulsion is not a violation of I.C. 20-33-2 or any other statute relating to compulsory school attendance.

The Board of School Trustees has voted not to hear any expulsion appeals. Instead, appeals of expulsion must be filed with the Lake Superior Court.

The Superintendent shall develop administrative guidelines which provide appropriate procedures for implementing this policy and comply with applicable statutes.

The Superintendent shall report all expulsions and second suspensions to the Bureau of Motor Vehicles in accordance with law and the Bureau's guidelines.

### **Retention of Public Records, Student Records, and Investigatory Records and Materials**

All individuals charged with imposing discipline under this policy shall retain all information, documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and received as part of an investigation of student misconduct and disciplinary action taken, including but not limited to reports, admissions, witness statements, documentary evidence, audio, video and/or digital recordings, handwritten and contemporaneous notes, emails related to the allegations, investigation and disciplinary action, printouts, letters, determinations, and summaries. The information, documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

The information, documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation of student misconduct or disciplinary action taken shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, Policy 8330 and the Corporation's records retention schedule.

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Legal I.C. 20-33-8-13.5 et seq., 35-31.5-2-86, 35-47-1-5, 35-47.5-2-4  
20 U.S.C. 7151