

## GRAND ISLAND PUBLIC SCHOOLS

### 8453 STUDENT SUSPENSION, EXPULSION, AND MANDATORY REASSIGNMENT

The Board of Education authorizes the administration of the Grand Island Public Schools to utilize emergency exclusion, short or long-term suspension, expulsion, or mandatory reassignment for certain situations or conduct prohibited by the board's rules, standards established pursuant to the *Student Discipline Act* [§79-254 to §79-294] and applicable federal regulations.

For the purposes of this policy unless otherwise noted:

- a) Short-term suspension shall mean denying the student the right to attend school or take part in any school function for a period of up to five school days [§79-256];
- b) Long-term suspension shall mean exclusion for a period exceeding five school days but less than twenty school days [§79-256];
- c) Except as provided in the *Elementary and Secondary Education Act of 1965* (as amended on 3-31-94 to include Title VIII Sec.3001 *Gun Free Schools Act*) and Grand Island School Board Policy 8470-*Weapons In School*, expulsion shall mean exclusion from school for a period not to exceed the remainder of the semester in which it took effect unless the misconduct occurred 1) within ten school days prior to the end of the first semester, in which case the expulsion shall remain in effect through the second semester, or 2) within ten days prior to the end of the second semester, in which case the expulsion shall remain in effect for any summer school and the first semester of the following school year, or 3) such action may be modified or terminated by the school district at any time during the expulsion period. [79-4,196, §79-256 and §79-283]
- d) Emergency exclusion shall be of either long or short term duration as above and shall be utilized in the following situation:
  - 1) If the student has a dangerous communicable disease transmissible through normal school contacts and poses an imminent threat to the health or safety of the school community; or
  - 2) If the student's conduct presents a clear threat to the physical safety of himself, herself, or others, or is so extremely disruptive as to make temporary removal necessary to preserve the rights of other students to pursue an education.

Such an emergency exclusion shall be based upon a clear factual situation warranting it and shall last no longer than is necessary to avoid the dangers described above.

If the emergency exclusion will be for five days or less, the procedures for a short-term suspension shall be followed. If the superintendent or designee determines that such emergency exclusion shall extend beyond five days, a hearing will be held and a final determination made within ten school days after the initial date of exclusion. Such procedure shall substantially comply with the procedures set forth in state statutes 79-266 to 287 for a long-term suspension or expulsion and be modified only to the extent necessary to accomplish the hearing and determination within this shorter time period.

- e) Mandatory reassignment shall mean the involuntary transfer of a student to another school in connection with any disciplinary action [§79-256].

Students may be suspended, expelled or reassigned subject to procedural provision of the *Student Disciplinary Act* when any of the following actions occur on school grounds or during educational functions or events off school grounds (note exception in section h.):

- a. Use of violence, force, coercion, threat, intimidation or similar conduct that constitutes interference with school purposes [§79-267];
- b. Willfully causing or attempting to cause damage to private or school property, stealing, or attempting to steal property of substantial value, or repeated damage or theft of property [§79-256];
- c. Causing or attempting to cause personal injury to a school employee, school volunteer, or student [§79-256];

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- d. Threatening or intimidating a student trying to get money or anything of value from the student [§79-256];
- e. Possessing, handling or transmitting any object or materials generally considered a weapon [§79-256 and Grand Island School Board Policy 8470–*Weapons In School*];
- f. Unlawful possession, selling, dispensing, or use of a controlled substance, an imitation controlled substance, a substance represented to be a controlled substance, alcoholic liquor, or being under the influence of a controlled substance or alcoholic liquor [§79-256];
  - 1) CONTROLLED SUBSTANCE shall mean a drug, substance, or immediate precursor in Schedules I to V of section 28-405\*. Controlled substance shall not include distilled spirits, wine, malt beverages, tobacco, or any non narcotic substance if such substance may, under the Federal Food, Drug, and Cosmetic Act and the law of this state, be lawfully sold over the counter without a prescription. [ref. § 28-401(4)]
  - 2) IMITATION CONTROLLED SUBSTANCE shall mean a substance which is not a controlled substance but which, by way of express or implied representations and consideration of other relevant factors, would lead a reasonable person to believe the substance is a controlled substance. A placebo or registered investigational drug manufactured, distributed, possessed, or delivered in the ordinary course of practice or research by a health care professional shall not be deemed to be an imitation controlled substance. [ref. § 28-401 (36)]
  - 3) ALCOHOLIC LIQUOR shall include alcohol, spirits, wine, beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine, or beer and capable of being consumed as a beverage by a human being. Alcoholic liquor shall also include confections or candy with alcohol content of more than one-half of one percent alcohol. The act shall not apply to (a) alcohol used in the manufacture of denatured alcohol produced in accordance with acts or Congress and regulations adopted and promulgated there under, (b) flavoring extracts, syrups, medicinal, mechanical, scientific, culinary, or toilet preparations, or food products unfit for beverage purposes, but the act shall not be construed to exclude or not apply to alcoholic liquor used in the manufacture, preparation, or compounding of such products or confections or candy that contains more than one-half of one percent alcohol, (c) wine intended for use and used by any church or religious organization for sacramental purposes, or (d) any beverage with less than five-tenths of one percent of alcohol by volume. [ref. § 53-103(6)]
- g. Public indecency, (applicable to students ages twelve to nineteen) [§79-267],  
A person commits “public indecency”, a Class II misdemeanor, if such person performs or procures, or assists any other person to perform, in a public place and where the conduct may reasonably be expected to be viewed by members of the public:
  - a) An act of sexual penetration; or
  - b) An exposure of the genitals of the body done with intent to affront or alarm any person; or
  - c) A lewd fondling or caressing to the body of another person of the same or opposite sex. [ref. §28-806]
- h. Sexual assault or attempted sexual assault of any person if a complaint has been filed by a prosecutor in a court of competent jurisdiction alleging that the student has sexually assaulted or attempted to sexually assault any person, including sexual assaults or attempted sexual assaults which occur off school grounds not at a school function or event. For the purpose of this subdivision, sexual assault in the first degree and sexual assault in the second degree as defined. [§79-267];  
"Sexual Assault" shall mean any person who subjects another person to sexual penetration and
  - a) overcomes the victim by force, threat of force, expressed or implied, coercion, or deception,
  - b) knew or should have known that the victim was mentally or physically incapable of resisting or appraising the nature of his or her conduct,
  - c) the actor is nineteen years of age or older and the victim is less than sixteen years of age. [ref. §28-320], or

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- d) sexual assault of a child in the first degree as defined in section 28-319.01
- i. Engaging in any activity forbidden by law which activity constitutes a danger to other students or interferes with school purposes [§79-267];
- j. Repeated violations of any established rule if such violation constitutes a substantial interference with school purposes [§79-267].

Any of the above listed activities may constitute violation of the *Nebraska Criminal Code* and as such will be cause for law enforcement involvement and parental notification as per §79-293 and §79-294 of the *Student Disciplinary Act* (see below).

Any suspension or expulsion under this policy shall comply with the requirements of the *Special Education Act* and the federal *Individuals with Disabilities Education Act* (IDEA) 20 U.S.C. 1401 et seq. [§79-259].

In all matters involving exclusion, suspension, expulsion, or mandatory reassignment of a student, the student will be given procedural due process as per the *Student Discipline Act* Section §79-259 to §79-294.

### Violations of Law Relating to Suspensions or Expulsions:

- 1) Student violations or suspected violations of Nebraska law will be reported to law enforcement as soon as possible. Conduct to be reported for law enforcement referral includes conduct that may constitute a felony, conduct which may constitute a threat to the safety or well-being of students or others in school programs and activities, and conduct that the legal system is better equipped to address than school officials. Student violations of school policy that are not apparent violations of law will be addressed by school administrators without reporting them to law enforcement. Administrators should consider the student's maturity, and known behavioral, emotional or mental disorders, if applicable. It will be the responsibility of the referring administrator to contact the student's parent that a referral to legal authorities has been or will be made, if applicable.

On or before August 1 the school board will annually review the reporting guidelines above with the County Attorney. These shall be distributed to all parents and guardians and their students at the beginning of each school year, or at the time of enrollment if during the school year. The guidelines shall also be posted conspicuously in each school during the school year.

- 2) Except in instances of suspected child abuse, when a principal or designee releases a minor student to a law enforcement officer for the purpose of removing the minor from the school premises, immediate steps shall be taken to notify the parent, guardian, or other relative having control of the minor about the minor's release to the officer and about the place to which the minor is reportedly being taken. In cases of suspected child abuse, the principal or designee will provide the law enforcement officer with the address and telephone number of the minor's parents or guardian.

Supplemental to these procedures, a special education student must be provided with additional procedures. A determination should be made of whether the student is actually guilty of the misconduct. A staffing team should determine whether the student's behavior is caused by the student's disability and whether the conduct is the result of inappropriate placement. Discussions and conclusions of this meeting should be recorded.

If the special education student's conduct is not caused by the disability, the student may be expelled or suspended for a long-term period following written notice to the parent and pursuant to the school district's expulsion hearing procedures. If the misconduct is caused by the disability and a change in placement is recommended, the change must be made pursuant to the placement procedures used by the school district.

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References: *Elementary and Secondary Education Act of 1965* as amended to include *the Gun Free Schools Act*, Title VIII, Sec. 3001 (4-31-94)  
Neb. Statute 28-1204.04  
20 U.S.C. §§ 1400 et seq. (Individuals with Disabilities Education Act)  
34 C.F.R. §§ 104.1 et seq.  
34 C.F.R. §§ 300 et seq.  
*Goss v. Lopez*, 419 U.S. 565 (1975).  
*Wood v. Strickland*, 420 U.S. 308 (1975)

*Student Discipline Act* as described in §79-259 through §79-294 (For reference purposes §79-293 and §79-294 are provided):

"[79-293]... (1) The principal of a school or the principal's designee shall notify as soon as possible the appropriate law enforcement authorities of the county or city in which the school is located of any act of the student described in section §79-267 which the principal or designee knows or suspects is a violation of the Nebraska Criminal Code.

(2) The principal, the principal's designee, or any other school employee reporting an alleged violation of the Nebraska Criminal Code shall not be civilly or criminally liable as a result of any report authorized by this section unless (a) such report was false and the person making such report knew or should have known it was false or (b) the report was made with negligent disregard for the truth or falsity of the report.

[§79-294]... When a principal or other school official releases a minor student to a peace officer...for the purpose of removing the minor from the school premises, the principal or other school official shall take immediate steps to notify the parent, guardian, or responsible relative of the minor regarding the release of the minor to the officer and regarding the place to which the minor is reportedly being taken, except when a minor has been taken into custody as a victim of suspected abuse, in which case the principal or other school official shall provide the peace officer with the address and telephone number of the minor's parent or guardian. The peace officer shall take immediate steps to notify the parent, guardian, or responsible relative of the minor that the minor is in custody and the place where he or she is being held. If the peace officer has a reasonable belief that the minor would be endangered by a disclosure of the place where the minor is being held or that the disclosure would cause the custody of the minor to be disturbed, the peace officer may refuse to disclose the place where the minor is being held for a period not to exceed twenty-four hours. The peace officer shall, however, inform the parent, guardian, or responsible relative whether the child requires and is receiving medical or other treatment. The juvenile court shall review any decision not to disclose the place where the minor is being held and any subsequent detention hearing."

§28-405 is a lengthy listing and description of several hundred controlled substances by official, generic, common, chemical, brand, or trade name. This information is available online.

(<https://nebraskalegislature.gov/laws/statutes.php?statute=28-405>).

Legal Reference: Ref. § 79-254 to 79-294

Cross Reference: Policy 8470 Weapons In School  
Policy 8513 Communicable Disease Control  
Policy 8420 Student Due Process Rights

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Policy Adopted: 11- 3-80  
Policy Revised: 4-10-95  
Policy Revised: 6-14-07  
Policy Revised: 8.9.2012  
Policy Revised: 10.11.2018  
Policy Revised: 09.12.2019  
Policy Revised: 03.16.2020  
Policy Revised: 11.12.2020

The Grand Island Public Schools does not discriminate on the basis of sex in any educational program or activity that it operates. The District is required by Title IX (20 U.S.C. § 1681) and 34 CFR Part 106 not to discriminate in such a manner. This requirement not to discriminate also applies to admission and employment. Any inquiries about the application of Title IX may be referred to the District Title IX Coordinator, to the Assistant Secretary of the Office of Civil Rights, or both. The GIPS Board of Education designates the following individuals to serve as GIPS Title IX Coordinators for students and staff and serve as Compliance Coordinator:

Title: Dr. Robin R. Dexter, Associate Superintendent  
Coordinator for Student Complaints and Compliance Coordinator  
Office address:  
Kneale Administration Building, 123 S. Webb Road, Grand Island, NE 68802  
Email: [rdexter@gips.org](mailto:rdexter@gips.org)  
Phone number: 308-385-5900

Title: Ms. Kristen Ireby, Chief of Human Capital Management  
Coordinator for Staff Complaints  
Office address:  
Kneale Administration Building, 123 S. Webb Road, Grand Island, NE 68802  
Email: [kirey@gips.org](mailto:kirey@gips.org)  
Phone number: 308-385-5900

For information regarding the Grand Island Public Schools procedure for complaints of sexual harassment including the complaint process, how to file a report or a complaint of sexual harassment, how to file a formal complaint of sexual harassment, and how the District will respond to such complaints see Board Policy, 6205 Staff and 8505 Student, located on the GIPS web site.