

FFK - SUSPENSION AND EXPULSION**Definitions**

This policy defines the following:

- *Dangerous weapon* means, as defined in 18 USC 930(g)(2), 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 pocketknife with a blade of less than 2 ½ inches in length.
- *Expulsion* means the exclusion of a student, including one enrolled in an alternative education program, from school for insubordination, habitual indolence, disorderly conduct, a sexual offense as identified under NDCC Ch. 12.1-20 and NDSBA template policy ACCB, Protection for Student Victims of Sexual Offenses, or any other policy violation or state law violation giving rise to expulsion consideration for up to twelve months. A student who violates the district's weapons policy must be expelled for at least one year, but the Superintendent may modify the expulsion on a case-by-case basis based on criteria in policy FFD, Possessing Weapons. A procedural due process hearing must be provided to the student in accordance with law and district regulation before the determination to expel a student is made.
- *Firearm* means, as defined in 18 USC 921, (1) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (2) the frame or receiver of any such weapon; (3) any firearm muffler or firearm silencer; or (4) any destructive device. The term does not include an antique firearm.
- Sexual offense means an offense under NDCC Ch. 12.1-20 for which "sexual act" or "sexual contact" is an element as defined under the chapter, including sexual imposition and gross sexual imposition, sexual abuse of a child, sexual abuse of wards, sexual act in public, sexual assault and any other acts with the requisite elements; and offenses including corruption or solicitation of minors; luring minors by computer or other electronic means; indecent exposure; surreptitious intrusion; and sexual extortion.
- *School property* is defined in NDCC § 15.1-19-10(6)(c) as all land within the perimeter of the school site and all school buildings, structures, facilities, and school vehicles, whether owned or leased by a school district, and the site of any school-sponsored event or activity.
- *Suspension* includes in-school suspension from classes and out-of-school exclusion from classes, school property, and activities.

Suspension/Expulsion Authority

The Board hereby delegates to the Superintendent and each principal the authority to deal with disciplinary problems in their school, including suspension

and recommendation for expulsion of a student. Suspension shall not be imposed beyond the maximum duration permitted by law.

The Board designates the Superintendent to serve as the hearing officer for expulsion hearings unless not qualified to serve as defined in board regulations. In such cases, the Board shall appoint an alternative hearing officer.

The hearing officer may expel a student for conduct that violates this policy, after providing notice and a hearing, as set forth in board regulations. When the hearing officer is someone other than the Ashley School District Board, the student may seek a review of the hearing officer's expulsion decision by the Board based on the record of the hearing.

When determining the duration of the expulsion, the District shall consider the severity of the infraction, the student's age, and the student's disciplinary history. If the student satisfies the conditions for reinstatement established by the District, if any, the District may review and reduce the duration of the expulsion. Expulsion shall not be imposed beyond the maximum duration permitted by law.

Conduct Subject to Suspension/Expulsion

Conduct, including but not limited to the following, exhibited while on school property, during a school-sponsored activity, or during a school-related activity is subject to suspension or expulsion:

1. Causing or attempting to cause damage to school property or stealing or attempting to steal school property of value;
2. Causing or attempting to cause damage to private property or stealing or attempting to steal private property;
3. Causing or attempting to cause physical injury to another individual, except in self-defense;
4. Possessing on school property or at a school function, a firearm, dangerous weapon, or any object that is used, attempted to be used, or threatened to be used to intimidate or cause bodily harm;
5. Possessing, using, transmitting, or being under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, or intoxicant of any kind;
6. Disobedience or defiance of proper authority;
7. Behavior that is detrimental to the welfare, safety, or morals of other students;
8. Truancy;
9. Offensive and vulgar language when it is obscene, defamatory, or inciteful to violence or disruptive of the educational process;
10. Threats of violence, bomb threats, or threats of injury to individuals or property;
11. Student behavior that is detrimental or disruptive to the educational process, as determined by the principal.

12. Being a responsible student adjudicated or convicted of a sexual offense as defined under N.D.C.C. chapter 15.1-19.
13. Being found in violation of policy AAC and/or in violation of Title IX of the Education Amendments, prohibiting sexual harassment.

Information regarding the conduct subject to suspension or expulsion must be posted in a prominent place in each school and must be published in student handbooks.

Suspension or Expulsion of Students with Disabilities

The District shall comply with the provisions of the Individuals with Disabilities Education Act when suspending or expelling a special education student. The District shall not expel any student with a disability when the student's particular act of gross disobedience or misconduct is a manifestation of the student's disability. Education services must continue for IDEA eligible students who are expelled.

The District is not required to refer a regular education student who has been suspended or expelled for violation of school rules and/or district policy for special education assessment and evaluation to determine if such a student might have a disability. A suspended regular education student is not entitled to the reinstatement of school privileges pending any assessment and evaluation that is to be made during the term of the student's suspension.

Complementing NDSBA Templates (may contain items not adopted by the Board)

- FGDB, Student Handbooks
- FFD, Possessing Weapons
- FFK-BR, Suspension and Expulsion Regulations
- FFK-AR1, Suggested Procedure for Conducting an Expulsion Hearing
- FFK-AR2, Suspension and Expulsion of Special Education Students

Legal References

- a. 18 USC 930, Possession of Firearms and Dangerous Weapons in Federal Facilities
- b. 18 USC 921, 1968 Gun Control Act
- c. 20 USC § 1232g, Family Educational Rights and Privacy Act
- d. 20 USC § 1400 et seq, Individuals with Disabilities Education Act
- e. 20 USC § 1681 et esq., Title IX of the Civil Rights Act of 1964
- f. *Honig v. Doe*, 484 U.S. 305 (1988)

g. NDCC Ch. 12.1-20, Sexual Offenses

h. NDCC §15.1-19, Students and Safety

End of Ashley School District #9 Policy FFK..... Adopted: Sept 10, 2025