

A student who has been suspended or expelled has the right to due process. All aspects, circumstances and records of the student's case shall be confidential and available only to authorized officials of the Biloxi Public School District ("District") dealing directly with the student or to the student's parents, legal guardians or attorneys for the student or for the District's Board of Trustees ("Board"). The following procedures provide notice and opportunity to be heard in such matters.

**STEP ONE: INITIAL INFORMAL HEARING**

Applies to: All Suspensions and Recommendations of Expulsion

A. An initial informal hearing is required in each case where disciplinary action may be taken against a student. After an initial investigation that is appropriate under the circumstances, the school principal, District Superintendent ("Superintendent") or designee shall:

1. Advise the student of the charges against him/her;
2. Afford the student a full opportunity to respond; and
3. Explain the evidence in support of the charges, if the student denies the charges.

This process will be documented in writing using the appropriate forms and a copy of the documents will be provided to the student.

B. After the informal hearing, the school principal may take the following actions:

1. **SUSPENSION OF 10 DAYS OR LESS:** The school principal may issue to the student and legal guardian a notice of suspension not longer than 10 consecutive school days. The suspension is effective immediately and no further due process is required. However, the District has instituted an informal procedure for parents, guardians, or other persons having custody of a student who wish to appeal a suspension of 10 days or less. See Step Two, "Appeal," Section A below.
2. **IMMEDIATE SUSPENSION AND RECOMMENDATION OF EXPULSION:** The school principal or Superintendent shall immediately suspend a student for 10 days or less and recommend expulsion when there is reason to believe that the student committed an unlawful or violent act, as defined or otherwise provided by District policy or state law. The suspension shall be effective immediately, pending conclusion of due process on the recommendation of expulsion.
3. **IMMEDIATE SUSPENSION AND RECOMMENDATION OF SUSPENSION OF 11 DAYS OR MORE/EXPULSION:** The school principal or the Superintendent may immediately suspend a student for 10 days or less and recommend a suspension of 11 days or more or expulsion, as appropriate under the circumstances. The suspension shall be effective immediately, pending the conclusion of due process on the recommendation of long-term suspension or expulsion.

**STEP TWO: APPEAL**

A. Suspensions of 10 Days or Less

If the parent, guardian or other person having custody of the student wishes to appeal a suspension of 10 days or less, such person shall have the right to a hearing before either the school principal, Superintendent or designee, chosen at the Superintendent's discretion. An appeal must be submitted in writing to the school principal within five (5) school days of the student's receipt of a disciplinary referral form.

1. The parent, guardian or custodian shall be informed of this right and be given a form for requesting such a hearing.
2. The hearing shall be informal and shall afford the parent, guardian, or custodian an opportunity to respond to the charges against the student

B. Suspensions of 11 Days or More and/or Recommendation for Expulsion

If after the initial informal hearing the school principal or Superintendent determines that a recommendation of suspension for 11 days or more or expulsion is the appropriate disciplinary action:

1. The school principal or Superintendent shall give the student and the student's parent, guardian or custodian a written "Notice of Suspension and Recommendation of Expulsion and Statement of Rights" in a form provided by the Superintendent for such purposes.
2. The notice shall contain a statement of the charges/reasons, advise the student and the student's parent, guardian or custodian of the right to legal counsel, to present witnesses and to cross-examine witnesses presented against the student and state the date, time and place for the hearing. A copy of the notice will be hand-delivered to the student when possible and hand-delivered or mailed to the parent, guardian or custodian.
3. Unless the student is offered temporary placement in the alternative school program as outlined in Paragraph 4.a. below, a hearing before the District Discipline Hearing Committee must be scheduled and conducted no later than the tenth school day following the date of notice.
  - a. The hearing will be before the District Discipline Hearing Committee:
    - i. The Committee shall be composed of three or more school administrators, none of whom may be on the staff of the school from which the student is enrolled.
    - ii. The Superintendent's designee will serve as the investigator, convener and administrative officer of the Committee but shall not vote.
  - b. The District Discipline Hearing Committee shall hear and consider all cases presented and is authorized to:
    - i. To concur or not concur in the suspension or expulsion recommendation;
    - ii. To confirm or specify the duration of a suspension of eleven days or more, to reduce number of days of suspension, to remove the suspension or expulsion; and
    - iii. Subject to review and approval of the Superintendent, to recommend limited or unlimited expulsion to the Board.
    - iv. The District Discipline Hearing Committee shall prepare a written summary of each case.

- c. All expulsion recommendations shall be subject to review by the Superintendent and by the Board
  - d. After completing this appeal step, the student, parent, guardian or custodian aggrieved by a decision to suspend the student may request review of the decision by the Board. A request for review must be submitted to the Board within 2 days after receiving a decision at this appeal step.
4. Pending the outcome of the hearing before the District Discipline Hearing Committee:
- a. The student may be offered temporary placement in the alternative school program when the counselor verifies the student's suitability for such program and, in such case, the hearing before the District Discipline Hearing Committee may be held at any appropriate time without application of the 10-day limitation. However, the District may not offer temporary placement when the offense upon which the action is based is gang or group-related fighting, violation of prohibitions against weapons or controlled substances, assault of a staff member or other unlawful or violent act.
  - b. The student may be allowed to remain in school if the school principal or the Superintendent determines that his continued presence is not detrimental to the normal functioning of the school program and, in such case, the hearing before the District Discipline Hearing Committee may be held at any appropriate time without application of the 10-day limitation.

**STEP THREE: REVIEW BY THE SUPERINTENDENT**

Applies to: Expulsions

The Superintendent shall review all recommendations by the District Discipline Hearing Committee for expulsions:

- 1. If the Superintendent concurs in the decision of the District Discipline Hearing Committee, he shall submit the recommendation to the Board for final action.
- 2. If the Superintendent does not concur in the decision of the District Discipline Hearing Committee, he may remove expulsion, assign an appropriate duration of suspension or recommend expulsion.
- 3. All recommendations of expulsion by the Superintendent shall be subject to review by the Board.

**STEP FOUR: REVIEW BY THE BOARD**

Applies to: Suspensions of 11 Days or More (only upon request by the student, parent, guardian or custodian)  
Expulsions

The Board shall, at its next regular or special meeting following the recommendation, review and take final action on all recommendations for expulsions and any requests for review of suspensions of 11 days or more. All consideration of student disciplinary actions shall be conducted in accordance with standard Board procedure. All decisions by the Board shall be final.

**STANDARD OF PROOF**

The standard of proof required in all disciplinary proceedings is substantial evidence. Substantial evidence has been defined by the Mississippi Supreme Court to mean something more than a “mere scintilla” of evidence. It does not rise to the level of a “preponderance of the evidence.” Substantial evidence is “such relevant evidence as

reasonable minds might accept as adequate to support a conclusion.” It affords “a substantial basis of fact from which the fact in issue can be reasonably inferred.