

TO REQUEST A HEARING

The “Request for Hearing” form enclosed with the notice of exclusion must be completed and personally delivered or sent by registered or certified mail to: Omaha Public Schools Student and Community Services – Hearing Office at 3215 Cuming Street, Omaha, Nebraska 68131-2024.

This information has been compiled for your service from the due process procedures of the Omaha Public Schools. If you have any questions, please contact your school principal or call the Hearing Office at 531-299-0466. A complete copy of the due process procedures is available upon request.



Omaha Public Schools does not discriminate on the basis of race, color, national origin, religion, sex (including pregnancy), marital status, sexual orientation, disability, age, genetic information, gender identity, gender expression, citizenship status, veteran status, political affiliation or economic status in its programs, activities and employment and provides equal access to the Boy Scouts and other designated youth groups. The following individual has been designated to accept allegations regarding non-discrimination policies: Superintendent of Schools, 3215 Cuming Street, Omaha, NE 68131 (531-299-9822). The following persons have been designated to handle inquiries regarding the non-discrimination policies: Director of Equity and Diversity, 3215 Cuming Street, Omaha, NE 68131 (531-299-0307).



STUDENT RIGHTS

Suspension, Exclusion, Expulsion, and Mandatory Reassignment

Omaha Public Schools

The information provided in this brochure summarizes the rights of students who are recommended for Emergency Exclusion, Short-Term Suspension, Long-Term Suspension, Expulsion, or Mandatory Reassignment from classes in the Omaha Public Schools as set forth in Board Policies 5101, 5101A and 5101B, and in accordance with sections 79-254 to 79-294 of Nebraska statutes. The Student Code of Conduct sets the behavior that may result in a Short-Term Suspension, Long-Term Suspension, Expulsion, or Mandatory Reassignment. Administrative and teaching personnel may take other actions regarding student behavior including, but not limited to, counseling of students, parent conferences, rearrangement of schedules, requiring that a student remain in school after regular hours to do additional work, restricting participation in of extracurricular activities, or requiring, with parental consent, that a student receive counseling, psychological evaluation, or psychiatric evaluation.

EMERGENCY EXCLUSION

- Any student in grades 3-12 may be excluded from school on an emergency basis in the following circumstances:
 - Disease. 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.
 - Conduct. If the student's conduct presents a clear threat to the physical safety of the student or others, or is so extremely disruptive as to make temporary removal necessary to preserve the rights of other students to pursue an education.
- The School will provide prompt notice to the parent/guardian of any Emergency Exclusion.
- During the period of exclusion, a student cannot attend school or take part in any school function.
- An Emergency Exclusion may not last longer than is necessary to resolve the reasons that led to the Emergency Exclusion and the student may return to school when the reason for the Emergency Exclusion no longer exists.
- In the case of Emergency Exclusion for five (5) school days or less, the same procedures for Short-term Suspension shall apply.
- In the case of Emergency Exclusion for more than five (5) school days, the same procedures for Long-Term Suspension, Expulsion or Mandatory Reassignment shall apply except that any requested hearing and any requested appeal to the Board shall be heard no later than ten (10) school days after the initial date of exclusion.
- School work, including examinations, may be made-up.

SHORT-TERM SUSPENSION

- A Short-Term suspension is for a period of time up to five (5) school days.
- A school may only impose a Short-Term Suspension after the school has made an investigation of the alleged conduct or violation and has determined that such suspension is necessary within 24 hours of becoming aware of the incident leading to the Short-term Suspension.

- Initial Notice. Before such Short-term Suspension shall take effect, the student shall be given:
 - oral or written notice of the charges against the student;
 - an explanation of the evidence supporting the charge; and
 - an opportunity to present the student's version of the incident.
- Unless the student is a student receiving special education services, the student shall be immediately suspended and excluded from attendance in all schools/programs and school functions within the District if the school determines that the student must be suspended immediately to prevent or substantially reduce the risk of (a) interference with an educational function or school purpose or (b) a personal injury to the student, other students, school employees, or school volunteers.
- Written Notice. Within 24 hours or such additional time as is reasonably necessary following such suspension, the school shall send a written statement to the student and the student's parent/guardian describing the student's behavior and the violation(s) of the Student Code of Conduct.
- The school will make a reasonable effort to schedule a conference with the parent/guardian and the student before or at the time the student returns to school to discuss the issues that led to the suspension.
- Students will return to school at the end of five (5) school days, or earlier, if approved by the school.
- School work, including examinations, may be made-up.

LONG-TERM SUSPENSION, EXPULSION AND MANDATORY REASSIGNMENT

- Long-term suspension is for a period of time exceeding five (5) school days, but less than twenty (20) school days.
- Expulsion is for a period of time more than twenty (20) but not to exceed the remainder of the semester in which the expulsion took effect except when the conduct occurs ten (10) school days prior to the end of the first semester in which case the expulsion will remain in effect through the second semester.
- Mandatory reassignment means the involuntary transfer to another school in connection with any disciplinary action.
- A school may only impose a Long-Term Suspension, Expulsion or Mandatory Reassignment after the school has made an investigation of the alleged conduct or violation and has determined that such suspension is necessary within two (2) school days of becoming aware of the incident leading to the Long-Term Suspension, Expulsion or Mandatory Reassignment.
- Initial Notice. Before such Long-Term Suspension, Expulsion or Mandatory Reassignment shall take effect, the student shall be given:
 - oral or written notice of the charges against the student;
 - an explanation of the evidence supporting the charge; and
 - an opportunity to present the student's version of the incident.
- Unless the student is a student receiving special education services, the student shall be immediately suspended and excluded from attendance in all schools/programs and school functions within the District if the school determines that the student must be suspended immediately to prevent or

- substantially reduce the risk of (a) interference with an educational function or school purpose or (b) a personal injury to the student, other students, school employees, or school volunteers. Students receiving special education services are entitled to a Manifestation Determination prior to the imposition of a Long-Term Suspension greater than 10 days, Expulsion or Mandatory Reassignment.
7. Within two (2) school days of the decision to Long-Term Suspend, Expel, or Mandatorily Reassign a student, the school must send written notice by registered or certified mail to the student and the parent/guardian that includes the following:
 - a. Violation and Summary of Evidence. The student conduct, the section(s) of the Student Code of Conduct the student is alleged to have violated, and a summary of the evidence to be presented against the student.
 - b. Recommended Discipline. The discipline response which the Principal or designee has recommended and any other action to which the student may be subject.
 - c. Right to a Hearing. A statement that before the proposed discipline can be imposed, the student shall have the right to a hearing, upon request, on the specified charges, an explanation of how to request a hearing, and the deadline for requesting a hearing.
 - d. Hearing Procedures. A description of the hearing procedures along with procedures for appealing any decision rendered at the hearing, reflecting the procedures set forth Policy 5101A and Policy 5101B.
 - e. Right to Review Evidence. A statement that the Principal or designee, legal counsel for the school, the student, the student's parent/guardian, or the student's representative has the right (i) to examine the student's academic and disciplinary records and any affidavits to be used at the hearing concerning the alleged misconduct and (ii) to know the identity of the witnesses to appear at the hearing and the substance of their testimony.
 - f. Request for Hearing Form. A form on which the student, the student's parent/guardian, or the student's representative may request a discipline hearing, to be signed by such parties and delivered to the Principal or Superintendent in person or by registered or certified mail.
 - g. Period of Suspension. A description of the Status of the Student including the beginning and ending dates of the Long-Term Suspension, Expulsion or Mandatory Reassignment.
 - h. School Work. A statement that if the student is suspended pending the outcome of the hearing, the student may complete classwork and homework, including, but not limited to, examinations, missed during the period of suspension pursuant to District guidelines which shall not require the student to attend the school district's alternative programs for expelled students in order to complete classwork or homework.
 8. If the student, parent/guardian or the student's representative requests a hearing within five (5) school days after the student's receipt of the written notice, the student shall remain suspended until the student, parent/guardian or the student's representative has received written notice of the decision of the Executive Director as set forth in 5101B F.
 9. If the student, parent/guardian or the student's representative requests a hearing more than five (5) school days but not more than 30 calendar days following the student's receipt of the written notice, the hearing shall be held but the imposed consequence shall continue in effect, pending final determination.
 10. If the student, parent/guardian or the student's representative does not request a hearing, the student shall remain suspended until the date designated by the school.
 11. The school will make a reasonable effort to schedule a conference with the parent/guardian and the student before or at the time the student returns to school to discuss the issues that led to the suspension.

RIGHTS FOR THE STUDENT RECEIVING SPECIAL EDUCATION SERVICES

1. If a student receiving special education services violates a provision of the Student Code of Conduct resulting in a recommendation for expulsion, mandatory reassignment, or a long-term suspension in excess of five (5) consecutive days, an IEP Manifestation Determination (Due Process) meeting shall be convened. The meeting should be held within three (3) working days of the recommendation.
2. The IEP team shall determine if the conduct in question was caused by, or had a direct and substantial relationship to the student's disability and will also determine if the conduct in question was a direct result of the school district's failure to implement the IEP.
3. If a student wishes to appeal the outcome of the IEP Manifestation Determination an appeal ***could be placed through the Special Education Department*** with the School District's Director of Special Education.