

### **Student Expulsion**

Only the Board of Education may remove a student from the school environment. The removal of a student from the school environment, which includes, but is not limited to, classes and activities, is an expulsion from school.

Students may be expelled for violations of Board policy, school rules and/or the law. It is within the discretion of the Board to discipline a student by using an expulsion for a single offense or for a series of offenses depending on the nature of the offense and the circumstances surrounding the offense.

It is within the discretion of the Superintendent to recommend to the Board the expulsion of a student for disciplinary purposes. Only the Board may take action to expel a student and to readmit the student. The principal will keep records of expulsions in addition to the Board's records.

When a student is recommended for expulsion by the Board, the parent/guardian of the student will be provided with:

1. Notice of the reasons for the proposed expulsion;
2. Notice of their right to a hearing or right to waive such hearing;
3. The names of the witnesses and an oral or written report on the facts to which each witness testifies unless the witnesses are students whose names may be released at the discretion of the Superintendent;
4. An opportunity to present a defense against the charges and provide either oral testimony or written affidavits of witnesses on the student's behalf;
5. The right to be represented by counsel; and
6. The results and finding of the Board in writing open to the student's inspection.

There are additional procedures for students who are entitled to special education supports and services. A manifestation determination needs to be held to determine if the code of conduct violation is a manifestation of the student's disability. If it is determined the conduct of a student entitled to special education is not a manifestation of 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. During this time, the district will provide services to allow the student to continue to participate in the general education curriculum and make progress on IEP goals. If the misconduct is a manifestation of a disability, the student will remain in the original placement except in situations involving dangerous weapons, illicit or prohibited drugs, or situations in which serious bodily injury to a student or to school personnel has occurred unless the team determines a change in placement is in the best interests of the student as part of a review and modification of such student's Individual Education Program (IEP).

### **Administrative Guidelines**

1. The Superintendent is notified of incident and the Superintendent or designee conducts an investigation. If warranted, Superintendent receives a written recommendation for expulsion from the principal.

2. The Superintendent meets with student and parent/guardian. If expulsion is recommended, a contract will be presented that sets forth the requirements that must be met before reinstatement by the Board may occur. At this time, parents may waive their right to a hearing.

3. A recommendation to the Board that a student be expelled may be made by the Superintendent. When such a recommendation is made, a hearing by the Board shall be set to consider the expulsion recommendation, unless the parent/guardian waives their right to a hearing.

4. A student may be temporarily dismissed (suspended) by a principal/designee or Superintendent for the conduct for which the student's expulsion is being considered. Such temporary dismissal shall be imposed in accordance with the usual procedure for temporary dismissal as described in these rules. If the Superintendent determines it is in the best interest of the school, or necessary for the orderly operation of the school, the Superintendent may continue the period of dismissal pending the hearing on expulsion, but in no case shall the total period of temporary dismissal exceed a total of 10 school days unless due to extraordinary circumstances determined by the Superintendent.

5. Notice of Hearing (if applicable). Written notice of the hearing shall be sent by certified mail or personally delivered at least 5 days prior to the hearing to the student's parent/guardian and to the student. The notice shall clearly state:

- The name of the student whose expulsion is to be considered.
- The time, date, and place of the hearing.
- The fact that expulsion is being considered and a brief explanation of the effect of the expulsion.
- The rule allegedly violated by the student or other cause of the possible expulsion.
- A summary of the evidence to support the recommendation of expulsion. A copy of any written materials that will be presented at the hearing will be available to the student.
- A brief summary of how the hearing will be conducted indicating that the student and parent/guardian will have an opportunity to be heard.
- Notice that the student and parent/guardian may be present together with an attorney.
- Notice of the names of witnesses against the student unless the witnesses are students and the circumstances warrant that these witnesses remain unidentified.
- Notice that the student or advocate has a right to cross examine adverse witnesses.
- The fact that the Board decision will be issued in writing to the student.
- Notice that the student may appeal any adverse decision.