

# Greater Albany SD 8J Board Policy

Code: **JGE**  
Adopted: 11/27/95  
Readopted: 3/12/01; 5/20/02; 8/27/07;  
9/24/15  
Orig. Code(s): BP 5318

## **Expulsion\*\***

A principal or designee, after reviewing available information, may conclude that a recommendation for expulsion is appropriate to the circumstances of the violation. Prior to making such a recommendation to the superintendent, the principal or designee will make a reasonable attempt to contact the student's parent or guardian and consider any additional information the parent or guardian<sup>1</sup> wishes to provide. Expulsion of a student shall not extend beyond one calendar year.

No student may be expelled without a hearing unless the student's parents or guardian, or the student if 18 years of age, waive the right to a hearing, either in writing or by failure to appear at a scheduled hearing. By waiving the right to a hearing, the student and parent or guardian agree to abide by the findings of a hearings officer.

When an expulsion hearing is not waived, the following procedure is required:

1. Notice will be given to the student and the parent or guardian by personal service or by certified mail at least five days prior to the scheduled hearing. Notice shall include: (a) the specific charge or charges; (b) the conduct constituting the alleged violation, including the nature of the evidence of the violation and reason for expulsion; (c) a recommendation for expulsion; (d) the student's right to a hearing; (e) when and where the hearing will take place; and (f) the right to representation;
2. The Board may expel, or may delegate the authority to decide on an expulsion to the superintendent or superintendent's designee who may also act as the hearings officer. The district may contract with an individual who is not employed by the district to serve as the hearings officer. The hearings officer designated by the Board will conduct the hearing and will not participate in the initial investigation of the incident;
3. Expulsion hearings will be conducted in private and will not be open to the general public unless the student or the students' parents request an open session;
4. In case the parent or student has difficulty understanding the English language or has other serious communication disabilities, the district will provide a translator;

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<sup>1</sup>As used in this policy, the term parent includes legal guardian or person in a parental relationship. The status and duties of a legal guardian are defined in ORS 125.005 (4) and 125.300 - 125.325. The determination of whether an individual is acting in a parental relationship, for purposes of determining residency, depends on the evaluation of the factors listed in ORS 419B.373. The determination for other purposes depends on evaluation of those factors and a power of attorney executed pursuant to ORS 109.056. For special education students, parent also includes a surrogate parent, an adult student to whom rights have transferred and foster parent as defined in OAR 581-015-0005 (18).

5. The student shall be permitted to have representation present at the hearing to advise and to present arguments. The representation may be an attorney and/or parent. The district's attorney may be present;
6. The student shall be afforded the right to present his/her version of the events underlying the expulsion recommendation and to introduce evidence by testimony, writings or other exhibits;
7. The student shall be permitted to be present and to hear the evidence presented by the district;
8. The hearings officer or the student may record the hearing;
9. Strict rules of evidence shall not apply to the proceedings. However, this shall not limit the hearings officer's control of the hearing;
10. If the Board is conducting the expulsion hearing, the Board may designate the Board chair or a third party as the hearings officer. The hearings officer will determine the facts of each case on the evidence presented at the hearing. Evidence may include the relevant past history and student education records. The hearings officer will provide to the Board, findings as to the facts, the recommended decision and whether or not the student has committed the alleged conduct. This will include the hearings officer's recommended decision on disciplinary action if any, including the duration of the expulsion. This material will be available in identical form to the Board, the student if age 18 or older and the student's parents at the same time. Following the review by the Board of the hearings office's recommendation, the Board will make the final decision regarding the expulsion;
11. If the Board has delegated authority to the superintendent or designee to act as the hearings officer, the superintendent may designate him or herself, or a third party, as the hearings officer. The hearing officer's decision is final. However, a decision of the hearings officer may be appealed by the parent or the student if age 18 or over to the Board for review. If the decision of the hearings officer is appealed to the Board for review, the findings as to the facts and the hearings officer's decision will be submitted to the Board, and will be available in identical form to the Board, the student and the students' parents at the same time. At its next regular or special meeting the Board will review the hearings officer's decision and will affirm, modify or reverse the decision;
12. A Board review of the hearings officer's decision will be conducted in executive session unless the student or the student's parent or guardian requests a public hearing. If an executive session is held by the Board or a private hearing held by the hearings officer, the following will not be made public:
  - a. The name of the minor student;
  - b. The issues involved, including student's confidential medical record and that student's educational program;
  - c. The discussion;
  - d. The vote of Board members, which may be taken in executive session when considering an expulsion.

Prior to expulsion, the district must propose alternative programs of instruction or instruction combined with counseling to a student subject to expulsion for reasons other than a weapons policy violation. The district must document to the parent or guardian of the student that proposals of alternative programs have been made.

END OF POLICY

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**Legal Reference(s):**

[ORS 192.660](#)

[ORS 332.061](#)

[ORS 336.615 to -336.665](#)

[ORS 339.115](#)

[ORS 339.240](#)

[ORS 339.250](#)

[OAR 581-021-0050 to -0075](#)

**Cross Reference(s):**

JG - Student Discipline