

Expulsion of Students

The following due process procedural steps shall be followed in any expulsion:

1. When an expulsion action is determined necessary, the principal may suspend the student from further school attendance to protect the student, other students, school staff and/or school property if, in his/her judgment such action is needed.
2. The principal must notify the student, the parents/legal guardians, and the Superintendent, in writing, of the specific causes upon which the expulsion recommendation is based.
3. The school must propose alternative programs of instruction or instruction combined with counseling that are appropriate and accessible to the student and document such proposals under the following circumstances:
 - a. When a student is expelled for willful disobedience, willful damage or injury to school property, use of threats, intimidation, harassment or coercion against any school employee or fellow student, open defiance of a teacher's authority, or use or display of profane or obscene language.
 - b. Following a second or subsequent occurrence within any three-year period of a severe discipline problem.
4. Upon receipt of the notice recommending an expulsion of a student, the Superintendent shall schedule a hearing within ten (10) school days to determine the action to be taken. The Superintendent shall notify the parents/legal guardians by personal contact or by certified letter of the hearing to consider the expulsion recommendation, the time and place of the hearing, and their right to have counsel present. If notice is by certified letter the notice shall be placed in the mail at least five school days prior to the hearing. The ten (10) school day time limitation for the scheduling of a hearing may be extended by agreement of the parents/legal guardians.
5. The Superintendent or designee shall act as the hearings officer. The hearings officer shall preside over the meeting and maintain control of all activities of the hearing. The hearings officer shall cause a record to be made of the hearing and have it filed in the school district office.
6. The student, his parents/legal guardians, and/or counsel shall be permitted to:
 - a. inspect the evidence to be presented in advance of the hearings;
 - b. have counsel present to represent him/her;
 - c. hear the evidence and to question any witness who gives testimony; and,
 - d. present a defense against the charges including the presentation of affidavits, exhibits, and the calling of witnesses.
7. Expulsion Hearing Format:
 - a. Call to order and review purpose and procedures.
 - b. Presentation of Evidence supporting the recommendation to expel.
 - c. Response of Parents/legal guardians, student, and/or Representative to recommendations.
 - d. Questions by School Administrators.
 - e. Questions by Parents/legal guardians, student, and/or Representative.
 - f. Concluding remarks by Hearings Officer.

- i. Comments on presentations
 - ii. Consideration to be given to testimony
 - iii. Decision to be rendered in 5 days
 - iv. Appeal of decision to School Board.
8. The hearings officer shall determine the facts from the evidence presented at the hearing and shall render a decision within 5 school days. Copies of the decision shall be sent to the student and/or parent/legal guardian, the principal and the School Board.
9. Appeals from the hearings officer's decision may be made by the student or the parent/legal guardian within 15 calendar days after the decision. Requests for appeal will be made at the superintendent's office where parents may obtain a form where they will specify the specific reason for the appeal of the Hearings Officer's decision.
10. Within 30 days of receipt of a parent appeal, at a regular or special meeting the Board will review the Hearings Officer's decision and will affirm, modify or reverse the decision. The hearing will be conducted as follows:
 - a. The Board should be provided with the Hearings Officer's findings of fact, conclusions of law, and order and all of the exhibits and evidence that were submitted to the Hearings Officer. The Board Members will be able to review this documentation both at and prior to the hearing.
 - b. The superintendent or principal will explain the facts of the expulsion; if the Board requests.
 - c. The student, or student's representative, will then present the student's case and make such statements as deemed appropriate, explaining the reasons for the appeal, including objections to any of the findings of fact and the penalty. Any verbal or written statements, however, that are presented shall be limited to the Hearings Officer's report and new evidence will not be permitted. The Board may ask questions of the student.
 - d. The proceedings will be tape recorded by the Secretary for the Board.
 - e. At any time during the proceedings, the Board Members have the right to ask questions of staff members present, as well as the student.
 - f. After all of the arguments and statements have been made, the Board will excuse the parties from the proceedings and deliberate on the subject and thereafter vote to affirm, modify, or rescind the decision of the Hearings Officer.
11. The Board's decision should be based solely on the Hearings Officer's report and the arguments and presentations received by the Board during the hearing.
12. The superintendent shall communicate in writing the Board's decision to the parents or guardian within 15 school days of the meeting at which the appeal was made. The Board shall receive a copy of the final communication to the parents or guardian.