

### **Expulsion\*\***

1. The student is suspended pending investigation for a possible expulsion.
2. All procedures for suspension will be followed except that the letter to the parents will also state that expulsion is being considered.
3. If the recommendation of the principal is expulsion, the parents and student will be notified by personal service or certified letter at least five days prior to the scheduled hearing. This notice will include:
  - a. The specific charge or charges;
  - b. The conduct constituting the alleged violation, including the nature of the evidence of the violation and the 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.

A copy of this notice will be forwarded to the superintendent.

4. The Board may expel, or may delegate the authority to decide on an expulsion to the superintendent or designee who may also act as 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 be associated with the initial actions of the building administrators.
5. 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.
6. In case the parent or student has difficulty understanding the English language or has other serious communication disabilities, the district will provide a translator.
7. The student shall be permitted to have a 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.
8. At the expulsion hearing, the student will be afforded the right to present his/her version of the charges and to introduce any information by testimony, writing or other exhibits; however, strict "rules of evidence" will not apply to the hearing.
9. The student will be permitted to be present and to hear the evidence presented by the district.

10. 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.
11. The hearings officer or the student may make a record of the hearing.
12. The hearings officer will, within three days, inform both parents and the principal (in writing) of the hearing officer's decision.
13. The hearings officer's decision may be appealed to the superintendent.
14. The superintendent's decision is final; however, this decision may be appealed to the Board. If the decision is appealed to the Board, findings of fact as to whether the student has committed the alleged conduct will be submitted to the Board, along with the superintendent's decision on disciplinary action, if any, including the duration of any expulsion. This decision will be available in identical form to the Board, the student and the student's parents at the same time. At its next regular or special meeting the Board will review the superintendent's decision and will affirm, modify or reverse the decision. Parents of students who wish to appeal the superintendent's decision will have the opportunity to be heard at the time the Board reviews the decision.
15. 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 any expulsion. This material will be available in identical form to the Board, the student if age 18 or over and the students' parents at the same time. Following the review by the Board of the hearings officer's recommendation, the Board will make the final decision regarding the expulsion.
16. A Board review of the superintendent's decision will be conducted in executive session unless the student or the student's parent requests a public hearing. If an executive session is held by the Board or a private hearing held by the hearings officer/superintendent, the following will not be made public:
  - a. The name of the minor student;
  - b. The issues involved, including a 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 of the student that proposals of alternative education programs have been made.