

Elgin School District 23

Code: **JGE**
Adopted: 5/13/99
Readopted: 8/19/13
Orig. Code(s): JGE

Expulsion**

A principal, after reviewing available information, may recommend to the superintendent that a student be expelled. 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 guardians, or the student if 18 years of age, waive the right to a hearing, either in writing or by their failure to appear at the scheduled hearing. By waiving the right to a hearing, the student and parent or guardian agree to abide by the lawful findings of a hearings officer.

When an expulsion hearing is mandated by district policy or regulation and 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 will include:
 - a. The specific charge or charges;
 - b. The conduct constituting the alleged violation, including the nature of the evidence of the violation;
 - 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 superintendent or designee will act as hearings officer and will conduct the hearing. The hearings officer will not be associated with the initial actions of the building administrators.
3. In case the parent or student has difficulty understanding the English language or has other serious communication disabilities, the hearings officer will provide a translator, if possible.
4. The student will be permitted to have a representative present at the hearing to advise and to present arguments. The representative may be an attorney, parent or guardian. The school district's attorney may be present.
5. The student will be afforded the right to present his/her version of the charges and to introduce evidence by testimony, writings or other exhibits.
6. The student will be permitted to be present and to hear the evidence presented by the district.

7. 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. Findings of fact as to whether the student has committed the alleged conduct will be submitted to the Board, along with the officer'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 or guardians at the same time.
8. The hearings officer or the student may make a record of the hearing.
9. The hearings officer's decision may be appealed to the Board. At its next regular or special meeting, the Board will review the hearings officer's decisions and will affirm, modify or reverse the decision. Parents or guardians of students who wish to appeal the hearings officer's decision will have the opportunity to be heard at the time the Board reviews the decision.
10. Expulsion hearings will be conducted in private and 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 by the hearings officer, the following will not be made public:
 - a. The name of the minor student;
 - b. The issues involved;
 - c. The discussion;
 - d. The vote of Board members, which may be taken in executive session.

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

END OF POLICY

Legal Reference(s):

[ORS 192.660](#)

[ORS 332.061](#)

[ORS 336.615 - 336.665](#)

[ORS 339.115](#)

[ORS 339.240](#)

[ORS 339.250](#)

[OAR 581-021-0050](#)

[OAR 581-021-0070](#)

[OAR 581-021-0071](#)

Cross Reference(s):

JG - Student Discipline