

Expulsion Hearings

1. When expulsion is contemplated, the student will be offered a hearing unless the parents/guardian waives, in writing, the right to a hearing.
2. A notice will be sent to the parent/guardian and student by certified mail or personal service, at least five calendar days prior to the hearing date containing:
 - a. Notification of intent to expel.
 - b. The charges and the specific facts supporting the charges.
 - c. The date, time and place of the hearing.
 - d. An interpreter will be provided by the district if the parent is unable to understand spoken English.
 - e. The student may be represented by counsel or other persons.
 - f. The student may introduce evidence by testimony, writings or other exhibits.
 - g. The student is permitted to be present and to hear the evidence.
 - h. The process for appealing the expulsion to the superintendent if the superintendent is not the hearings officer.
 - i. A listing of alternative education programs that may be available to the student at no cost to the parent if the student is expelled. If the student is expelled for a weapons charge, alternative education will not be provided by the school district. (FCSD Policy JGE, paragraph 10, ORS 339.250, section 6.)
3. The superintendent, or designee, shall act as the hearings officer.
4. The student shall be permitted to inspect in advance of the hearing any affidavits or exhibits which the school intends to submit at the hearing.
5. The school shall make a complete record of the hearing.
6. The hearings officer shall determine the facts of each case on the evidence presented at the hearing, including prior disciplinary actions. The hearings officer will report to the superintendent, or designee:
 - a. The findings of facts;
 - b. Whether or not the student is guilty of the misconduct; and
 - c. The disciplinary action, if any, including the duration of any expulsion. When students are expelled, the hearings officer will include notification of appropriate and accessible alternative education programs during the term of the expulsion.

7. This determination shall be made within five school days of the hearing; and copies of the decision shall be mailed to the student, parent/guardian and superintendent.
8. The parent/guardian or student may appeal the expulsion decision to the superintendent, if the superintendent was not the hearing officer, within five school days after the date the results are made known. The superintendent can affirm, modify, or reverse the recommendation of the hearings officer. If an appeal is not made, the expulsion shall take effect immediately.
9. The parent/guardian or student may appeal the superintendent's expulsion decision to the School Board within five school days after the date the results are made known. The superintendent shall provide to the Board the findings of fact, the determination of whether or not the student is guilty as charged, and the decision to expel.

Conditions For Expulsion

1. Expulsion of a pupil shall not extend beyond one calendar year.
2. Students who are expelled may not be present on district property without a parent/guardian, may not attend after-school activities or athletic events, or participate in activities directed by or sponsored by the district for the term of the expulsion.
3. Suspension of Driving Privileges: In cases of expulsion, the superintendent may file a written request with the Division of Motor Vehicles to suspend the driving privileges of a student or the right to apply for driving privileges. A written request will be filed only if:
 - a. The student is at least age 15; and
 - b. The student has been expelled for a weapons violation; or
 - c. The student has been suspended or expelled at least twice for any of the following:
 - (1) Assaulting or menacing a school employee or another student; or
 - (2) Willful damage or injury to school property; or
 - (3) Use of threats, intimidation, harassment or coercion against a school employee or another student.

The superintendent will contact the parent/ or guardian of the student before submitting the written request to the Division of Motor Vehicles. The driving privileges may be suspended for no more than one year.

4. Denial of Admission to Expelled Students: Falls City School District may deny admission to a resident student who is expelled from another school district, and will deny admission to a student who is expelled from another school district for an offense that constitutes a violation of the federal Gun Free Schools Act of 1994.
5. Expulsion for Weapons: Falls City School District will expel from school for a period of not less than one year any student who is determined to have possessed a weapon at school or at a school-sponsored activity, regardless of location.

The superintendent may modify the expulsion on a case-by-case basis.

Weapons include: (ORS 161.015)

- a. Firearms as defined in federal law.
- b. Any weapon, device, instrument, material or substance which under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or serious injury.

Alternative education will not be provided by the district for an expulsion based on possession or use of a weapon.