

Expulsion**

Expulsion Procedures - When serious discipline, expulsion or suspension leading to possible expulsion for more than 10 school days is contemplated, the student shall have the right to a hearing unless the student, if 18 years of age, or his/her parents waive the privilege. When an expulsion hearing is not waived, the following procedure is required:

1. The student shall be notified in writing of the specific charge, when and where the hearing will take place, and his/her right to counsel;
2. A notice shall also be sent to the parent or guardian by certified mail citing the charge and the specific acts that support the charge. The notice shall state a recommendation for suspension pending investigation for possible expulsion or suspension, when a hearing will take place and his/her (or their) right to counsel. This notice shall be furnished at least five calendar days prior to the hearing;
3. The superintendent or his/her designee shall act as the hearings or review officer and shall maintain control over and conduct the hearing or review. The hearings or review officer will not be associated with the initial actions of the building administrator;
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;
5. The student shall be permitted to inspect in advance of such hearing any affidavits or exhibits which the school intends to submit at the hearing;
6. The student shall be permitted to have counsel present at the hearing to advise him/her. The counsel may be an attorney or parent;
7. The student shall be afforded the right to present his/her version as to charges and to make showing by way of affidavits or exhibits;
8. The student shall be permitted to hear the evidence presented against him/her;
9. The hearings officer shall determine the facts of each case on the evidence presented at the hearing. This may include the relevant past history and records of the student. He/She shall submit to the Board his/her findings as to the facts and whether or not the student charged is guilty of the conduct alleged. His/Her decision of disciplinary action, if any, shall be made available in identical form and at the same time to the Board and the student and his/her parents;
10. Strict rules of evidence shall not apply to the proceedings;

11. The hearings officer or the student may make a record of the hearing;
12. The Board shall review the decision of the hearings officer and may affirm, modify or reverse his/her decision;
13. 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 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 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.

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](#)
[ORS 339.260](#)

[OAR 581-021-0050](#)
[OAR 581-021-0070](#)