



Expulsion**

A public charter school executive director, after reviewing available information, may recommend to the Board that a student be expelled. Expulsion of a student shall not extend beyond one calendar year.

The use of expulsion for discipline of a student in the fifth grade or below, is limited to:

1. Nonaccidental conduct causing serious physical harm to a student or employee;
2. When the school's executive director determines, based on the executive director's observation or upon a report from an employee, the student's conduct poses a threat to the health or safety of students or employees; or
3. When the suspension or expulsion is required by law.

No student may be expelled without a hearing unless the students' parents, or the student if 18 years of age, waives the right to a hearing, either in writing or by failure to appear at a scheduled hearing. By waiving the right to a hearing, the student and parent agree to abide by the findings of a hearings officer.

When an expulsion hearing is not waived, the following procedure is required:

1. Notice will be given to the student and the parent by personal service¹ or by certified mail² at least five days prior to the scheduled hearing. Notice shall include:
 - a. The specific charge or charges;
 - b. The conduct constituting the alleged violation, including the nature of the evidence of the violation and 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.
2. The Board may expel, or delegate the authority to decide on an expulsion to the public charter school executive director, who may also act as the hearings officer. The Board may contract with an individual who is not employed by the public charter school 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 public charter school executive director;

¹The person serving the notice shall file a return of service. (OAR 581-021-0070)

²When "certified mail is given to a parent of a suspended student, the notice shall be placed in the mail at least five days before the date of the hearing." (OAR 581-021-0070)

3. Expulsion hearings will be conducted in private and will not be open to the general public, unless the student or the students' parents request otherwise;
4. In case the parent or student has difficulty understanding the English language or has other serious communication disabilities, the public charter school will provide a translator;
5. 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 public charter school's attorney may be present;
6. The student shall be afforded the right to present his/her version of the events underlying the expulsion recommendation and to introduce evidence by testimony, writings or other exhibits;
7. The student shall be permitted to be present and to hear the evidence presented by the public charter school;
8. The hearings officer or the student may record the hearing;
9. Strict rules of evidence shall not apply to the proceedings. However, this shall not limit the hearings officer's control of the hearing;
10. 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;
11. If the Board has delegated authority to the executive director or designee to act as the hearings officer, the executive director may designate him or herself, or a third party, as the hearings officer. The hearings officer's decision is final. However, a decision of the hearings officer may be appealed by the parent or the student if age 18 or over to the public charter school board for review. If the decision of the hearings officer is appealed to the Board for review, the findings of fact and the hearings officer's decision will be submitted to the Board, and will be available in identical form to the Board, the student if age 18 or over and the student's parents at the same time. At its next regular or special meeting the Board will review the hearings officer's decision and will affirm, modify or reverse the decision;
12. A 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 held by the hearings officer, 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 public charter school must notify the resident district of the student of the impending expulsion.

END OF POLICY

Legal Reference(s):

[ORS 192.660](#)
[ORS 332.061](#)
[ORS 336.615 to -336.665](#)
[ORS 338.115\(j\)](#)

[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