

**Jackson County  
School District 9**

Code: **JGE-AR**  
Adopted: 9/6/90  
Revised/Readopted: 11/14/01  
Orig. Code(s): AP 5202

**Expulsion**

**Call to Order**

This is the time and place for the hearing in the matter of the proposed expulsion of \_\_\_\_\_, a student at \_\_\_\_\_ School. This hearing was scheduled for the date of \_\_\_\_\_, 20 \_\_\_\_, at \_\_\_\_\_ Jackson County School District #9, Eagle Point, Oregon.

For the record, I will identify myself; I am \_\_\_\_\_, and I, by designation, by Oregon law, and by district policy, act as the hearings officer in this matter of proposed expulsion.

At this time, I will request that others present and identify themselves for the record. First, the proponents of expulsion ... and those present on behalf of the student.

**Seven-Day Waiting Period**

A seven-day waiting period is provided by district policy and Oregon law from the date of suspension pending a hearing and the hearing itself unless waived by the parents (or student if over 18 years of age). The purpose of the waiting period is to provide the student ample time to prepare for the hearing.

1. Ask the proponent if seven days has elapsed.
2. If not, ask the student and his/her representative if they wish to waive the waiting period.

**Executive Session or Public Hearing**

If this hearing is conducted in executive session, you should know that the following will not be made public: By law (ORS 332.061) this hearing is to be conducted as a closed hearing unless the student, parents or representatives request a public hearing.

If this hearing is to be a closed hearing, you should know that the following will not be made public:

1. The name of the student;
2. The issue involved;
3. The discussion and proceedings.

On the other hand, if the meeting is to be open, all elements of the hearing shall be for the public record.

Does the student or parents want a closed hearing or a public hearing?

**Answer:**

### **Procedural Outline for Expulsion Hearings**

The outline of procedure to be followed will be as follows:

1. **Basic Record:** A compilation of jurisdictional documents;
2. **Opening Statements:** Brief opening statements (no longer than five minutes) will be allowed by the proponent of expulsion and by the student or his/her representative. This is to be only a preliminary statement of what they expect the evidence will show;
3. **Proponent's Evidence:** The proponent of expulsion will present any witnesses, documents or other evidence which the proponent desires to be considered. Witnesses may be cross-examined; the testimony of other witnesses, not present at the hearing, will be received in evidence, subject to the right of the opposition to cross-examine those witnesses at a later time; any party wanting to reserve the right to cross-examine any witness not present at the hearing must make it known that such cross-examination of a specific witness is desired and also the general areas of cross-examination desired. If cross-examination is desired of such a witness, then arrangements will be made to receive such cross-examination at a later time. When the proponent's evidence is complete, the proponent should rest his case;
4. **Student's Evidence:** The student, his/her parents or representatives are permitted to be present and hear the evidence presented by the district; also, the student is entitled to introduce evidence by testimony, writings or other documents in his/her favor. The student and/or parents can give testimony of their own. Witnesses giving testimony, including the student and parents, may be cross-examined by the proponent or its representative. The same procedure will be followed here in regard to cross-examination of witnesses who are not present. When the student has completed his/her presentation, then he/she should rest his/her case;
5. **Summation:** The proponent of expulsion and the student or his/her representatives will be given an opportunity to make a closing summation of no longer than 15 minutes each. The proponent of expulsion may submit a rebuttal argument of no more than five minutes. Written briefs or summaries will not be accepted unless called for by the hearings officer or unless otherwise requested and justified;
6. **Submission:** The case will thereupon be taken under submission by the hearings officer who will then prepare his/her findings of facts and recommendations, if any. All persons will receive a copy of the decision as soon as it is completed.

### **The Role and Responsibilities of an Expulsion Hearings Officer**

1. Unless otherwise provided by the Board, the executive officer of the district or his/her designated representative shall act as the hearings officer or review officer and shall maintain control over and conduct the hearing or review. In case of language differences or other disabilities, the hearings officer shall provide accommodations.
2. 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 conduct alleged and his/her decision of disciplinary action, if any, including the duration of expulsion. The above decision shall be made available in identical form and at the same time to the Board and the student and the parents.
3. Strict rules of evidence shall not apply to the proceedings. However, this provision shall not limit the hearings officer's control of the hearing.
4. The hearings officer or the accused may make a record of the hearing.
5. The authority to expel has been delegated to the hearings officer. In the case of expulsion, the parent, or student if age 18 or over, shall have the right to appeal the hearings officer's decision to the Board for review.
6. If the decision is appealed to the Board for review, the Board shall be presented the hearings officer's findings of fact and the hearings officer's decision. This material shall be made available at the same time to the parents and to the student, if age 18 or over. When appealed, the Board will affirm, modify or rescind the decision of the hearings officer. All parties shall be notified in writing of the Board's decision within seven days following the appeal hearing.

Dear *(Parent's Name)*

This letter is to inform you that I am recommending to the Superintendent of School District #9 that *(Student's Name)* be expelled from school.

Listed below are the reasons for the expulsion recommendation and a recap of your rights under this provision of school Board policy JGE, Oregon Administrative Rule 581-21-0070 and Oregon Revised Statute 332.061.

Statement of Charge Violation of School Board Policy *(Policy Number)*, which states:

Alleged Acts Supporting the Charge:

Alternative Education Programs: Prior to expulsion, the district is required to notify you of an alternative education program available to your student, if expelled. The district is prepared to offer you one of the following programs for *(Student's Name)*.

1. Independent home study. (Parent picks up and returns work to the school.)
2. Tutoring. (Provided by the district.)
3. Enrollment in two correspondence classes. Further correspondence classes will be provided based upon the completion of the first two.

In order to discuss the details of the alternatives, please contact *(Name/Phone Number of Site Contact Person)*.

Hearing: A hearing is scheduled on *(Date and Time of Hearing)*, in the Jackson County School District No. 9 Administrative Building, 11 N. Royal Avenue, Eagle Point, Oregon.

Waive of Hearing: You may waive the hearing by notifying me **in writing** of your desire to do so.

*(Site Principal Name and Address)*

If the hearing is waived, the student will be expelled and the same alternative education programs will be made available.

Rights: Your student has the right to legal representation at this hearing. You also have the right to inspect records in advance of the hearing.

Enclosed are documents for your information.

Sincerely,

Sent by certified and regular mail