

Klamath Falls City Schools

Code: **JGE**
Adopted: 5/12/97
Readopted: 10/09/06; 12/12/11; 2/13/12
Orig. Code(s): 80705

Expulsion**

Expulsion of a student shall not extend beyond one calendar year.

A principal, after reviewing available information, may recommend to the hearings officer, designated by this Board to expel students, that a student be expelled.

Notice to the student and to the parent or guardian shall be given by personal service or certified mail of the charge or charges and the specific facts that support the charge or charges. The notice shall include the statement of intent to consider the charges as reason for expulsion. Where notice is given by personal service, the person serving the notice shall file a return of service. Where notice is given by certified mail 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.

A student shall not be expelled without a hearing unless the student's parent(s) or guardian, or the student, if 18 years of age, waives the right to a hearing. Waiver may take place by the parent or the student, if 18 years of age, notifying the school district in writing of waiver of the right to a hearing. Waiver may also take place by the parent, or the student, if age 18 or over, failing to appear after notice at the place and time set for the hearing.

Hearings shall be before a hearings officer. The hearings officer is authorized by this Board to expel students. The hearings officer shall conduct the hearing in the following manner:

1. The hearing shall be conducted privately by the hearings officer unless the student or the student's parent or guardian requests a public hearing;
2. Where the student or the student's parent cannot understand the spoken English language, an interpreter shall be provided by the district;
3. The student may be represented by counsel or other persons;
4. The student shall be permitted to introduce evidence by testimony, writings, or other exhibits;
5. The student shall be permitted to be present and hear the evidence presented by the district;
6. Strict rules of evidence shall not apply to the proceedings. However, this provision shall not limit the hearings officer's control of the hearing;
7. The hearings officer or the student may make a record of the hearing;
8. The hearings officer shall notify the student's parent(s) or guardian, or the student, if 18 years of age of his decision in writing.

The student's parent(s) or guardian, or student, if 18 or over, shall have the right upon appeal to a Board review of the decision. To request a review, the student's parent(s) or guardian, or student, if age 18 or over must deliver a written Notice of Appeal to the office of the superintendent not later than 10 days from the date of the written decision of the hearings officer. If the decision is appealed, the hearings officer shall provide to the Board the findings as to the facts, the decision and whether or not the student is guilty of the conduct alleged. This material shall be made available at the same time to the student's parent(s) or guardian, or to the student, if age 18 or over. At its next regularly scheduled meeting which occurs after the notice of appeal is received, the Board will affirm, modify or rescind the decision of the hearings officer. It will make its decision based upon the written record only, unless the parent(s) or guardian, or to the student, if age 18 or over, makes a written request to address the Board in person. If such a request is received, only the parent(s) or guardian and the student will be allowed to meet with the Board. No other persons will be permitted to address the Board, as all testimony is considered to have been received at the expulsion hearing before the hearings officer. The written record will consist of the hearings officer's findings as to the facts, findings as to whether the student is guilty of the conduct alleged and the decision, together with the written notice of appeal and arguments of the parent, guardian or student in opposition to the decision. The Board will not affirm, modify, or rescind the hearings officer's findings as to the facts or findings whether the student is guilty of the conduct alleged.

Any review by the Board regarding expulsion of a student shall be conducted in executive session. The following shall not be made public:

1. The name of the minor student;
2. The issues involved;
3. The discussion; and
4. The Board member's vote on the issue.

The Board will notify the student, parent or guardian in writing whether it has affirmed, modified, or rescinded the decision of the hearings officer.

Prior to expulsion, the district will 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 or guardian of the student that proposals of alternative programs have been made.

Notice of Principal's Expulsion Recommendation

Expulsion of: _____

Date of Notice: _____

Please take notice that I have this date recommended to the district expulsion hearings officer that the student named above be expelled.

This recommendation is based upon the following charge or charges and the specific facts that support such charge or charges, which are considered to be reason for expulsion:

Charge or charges: _____

Specific facts supporting charge or charges, if not set forth above: _____

The student is entitled to alternative programs of instruction or instruction combined with counseling if he or she is expelled for reasons other than a weapons policy violation. Individual program information and recommendations based upon the student's learning styles or needs are available from the student's school counselor. The following alternative programs of instruction are offered to the students:

1. Klamath Institute, 1420 Avalon, Klamath Falls, OR 97603 (credit completion)
2. Klamath Adult Learning Center, 1420 Avalon, Klamath Falls, OR 97603 (GED preparation and testing)
3. Linkville Academy, 429 North Eighth, Klamath Falls, OR 97601
4. Other programs offered: _____

Principal

Waiver of Expulsion Hearing

Expulsion of: _____

I (we), the student's parent(s) or guardian, or the student, if 18 years of age or older, acknowledge that I (we) have received a Notice of Principal's Expulsion Recommendation and Notice of Expulsion Hearing. I (we) waive my (our) right to a hearing before the district expulsion hearings officer.

Parent Dated: _____, 20 ____.

Parent Dated: _____, 20 ____.

(or)

Guardian Dated: _____, 20 ____.

(or)

Student, if 18 years of age or older Dated: _____, 20 ____.

Notice of Appeal Rights

Expulsion of: _____
(Student)

Date of Notice: _____

With this notice, you have received the hearings officer's decision regarding the expulsion of the above-named student.

You have the right to appeal the decision of the hearings officer to the Board, if you wish to do so.

If you wish to appeal, you must do so in the following manner:

1. A written Notice of Appeal must be received at the office of superintendent, 1336 Avalon, Klamath Falls, OR 97603, not later than 10 days from the date stated above;
2. The notice of appeal must contain a statement of the basis for your appeal of the decision, together with your written arguments against the decision.

At its next regularly scheduled meeting, the Board will affirm, modify or rescind the decision of the hearings officer. The Board's review and decision will take place in executive session. It will make its decision based upon the written record only, unless you, the parent(s) or guardian, or to the student, if age 18 or over, make a written request to address the Board in person. If such a request is received, only the parent(s) or guardian, representative, and the student will be allowed to meet with the Board. No other persons will be permitted to address the Board, as all testimony is considered to have been received at the expulsion hearing before the hearings officer. The written record will consist of the hearings officer's findings as to the facts, findings as to whether the student is guilty of the conduct alleged and the decision, together with your written arguments in opposition to the recommended decision.

The Board will notify the parent(s), guardian or the student, if 18 or over, in writing whether it has affirmed, modified or rescinded the decision of the hearings officer.

The hearings officer's findings as to the facts and findings whether the student is guilty of the conduct alleged are final and the Board will not affirm, modify, or rescind those findings.

Notice of Appeal Rights (Weapons Violation)

Expulsion of: _____

Date of Notice: _____

With this notice, you have received the hearings officer's decision regarding the expulsion of the above-named student.

You have the right to appeal the decision of the hearings officer to the superintendent if you wish to do so.

If you wish to appeal, you must do so in the following manner:

1. A written Notice of Appeal must be received at the office of the superintendent, 1336 Avalon, Klamath Falls, OR 97603, not later than 10 days from the date stated above;
2. The notice of appeal must contain a statement of the basis for your appeal of the decision, together with your written arguments against the decision.

The superintendent may affirm or modify the decision of the hearings officer on a case-by-case basis. The superintendent will make his decision based upon the written record only, unless you, the parent(s) or guardian, or the student, if age 18 or over, make a written request to address the superintendent in person. If such a request is received, only the parent(s) or guardian, representative, and the student will be allowed to meet the superintendent. No other persons will be permitted to address the superintendent, as all testimony is considered to have been received at the expulsion hearing before the hearings officer. The written record will consist of the hearings officer's findings as to the facts, findings as to whether the student is guilty of the conduct alleged and the decision, together with your written arguments in opposition to the recommended decision.

The superintendent will notify the student, parent or guardian in writing whether he has affirmed or modified the decision of the hearings officer.

The hearings officer's findings as to the facts and findings whether the student is guilty of the conduct alleged are final and the superintendent will not affirm, modify or rescind those findings.

Expulsion Guidelines

Weapons:

1. Hearing;
2. Hearings officer rules;
3. If “weapon,” a one-year expulsion is required. However, the hearings officer, as the superintendent’s designee, may modify the expulsion period based on the evidence presented and principal’s recommendation.

Regular Expulsion:

1. Hearing;
2. Hearings Officer rules;
3. If expulsion, appeal goes to Board;
4. Board does not re-do Hearings Officer’s Finding of Fact;
5. Board only considers lessening the penalty;
6. Appeal to Board is in writing, unless parent requests to address the Board.

If the parent addresses the Board, only the parent and student are allowed.

NOTE: For a “weapon”, for example, **IF** the principal believes it is a harmless pocket knife, etc., principals will call the hearings officer and recommend that expulsion be waived and a suspension only be implemented. If the hearings officer agrees that it is not an expellable offense, no hearing occurs. If the hearings officer disagrees, or is unsure, the expulsion hearing is conducted.

Expulsion Guidelines

Drug Offenses

All students will be recommended for expulsion on the first offense for possession of, use of, sale of, or under the influence of drugs at school or any school activity.

Alcohol Offenses

First Offense

1. Regular School Day

If the first offense involves being under the influence of, or possession of, alcohol at school during regular school hours, expulsion would be recommended.

2. School Activities

A 10-day suspension with required drug and alcohol counseling (refusal or non-compliance will result in expulsion) if there are no other extenuating circumstances. Extenuating circumstances would include defiance and excessive resistance to school officials; violence; intoxicated to the extent that it causes a great spectacle (passing out, falling down, etc.); actions that incite other students to cause major disruptions; prior serious disciplinary problems which included suspension.

3. Out-Of-Town Trips (Same as School Activities)

4. One-Day Field Trips (Same as Regular School Day)

Second Offense

Expulsion for all second offenses which includes prior drug offenses.

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](#)
[OAR 581-021-0071](#)

Cross Reference(s):

JG - Student Discipline