

### **Expulsion\*\***

After having reviewed all available, relevant information, a principal may recommend to the district's hearings officer that a student be expelled.

Prior to recommending the expulsion of a student with a disability, the Individual Education Plan Team shall have met to determine whether a relationship exists between the exhibited behavior and the disability. Appropriate special education procedures must be followed to assure due process. A behavioral analysis shall be completed or reviewed at this time.

If the team determines that there is no relationship, the student shall receive the same consideration as any other student. A hearing will be conducted to determine appropriate disciplinary action. If the student is to be expelled, an individualized education program (IEP) meeting must be called to review the IEP, consider alternatives, and determine the appropriate placement during expulsion.

If a relationship is established, an IEP meeting will be called to review the IEP, consider alternatives and to determine the appropriate placement.

No student may be expelled without a hearing unless the student's parents, or the student if 18 years of age, waive the right to a hearing either in writing or by their failure to appear at a scheduled hearing.

When an expulsion hearing is recommended by a principal or mandated by district policy or regulations, the following procedure is required:

1. Notice shall be given to the student and the student's parent or guardian by personal service or by certified mail. Notice shall include the following:
  - a. The specific rules or regulations alleged to have been violated;
  - 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 and period of expulsion. The period of expulsion may not exceed 12 months;
  - d. The student's right to a hearing;
  - e. The hearing date;
  - f. Alternative programs of instruction or instruction and counseling for the parents' consideration.

When notice is given by personal service, the person serving the notice shall file a return of service. When notice is given by certified mail, the notice shall be placed in the mail at least five days prior to the hearing date. The hearing may be held prior to the expiration of five days if the student, the parent or guardian, and the hearing officer agree to do so.

2. The expulsion hearing will be conducted in private by a hearings officer appointed by the Board to conduct the hearing.

3. The student may be represented by counsel or other persons but parents must inform the principal 24 hours in advance if they intend to have representation present. The district's attorney may be present;
4. If the parent or student has difficulty understanding the English language or has other serious communication disabilities, the district will provide an interpreter;
5. The student shall be permitted to introduce evidence by testimony, writings or other exhibits.
6. The student shall be permitted to be present and hear the evidence presented by the district.
7. Strict rules of evidence shall not apply to the proceedings. However, the hearings officer is authorized to control the hearing.
8. The hearings officer or the student may record the hearing.

The hearings officer has the authority to expel the student. The hearing officer's decision shall be communicated within five school days of the date of the hearing. The parent or student, if age 18 or over, shall have the right to appeal to the Board for a review of the decision. If the decision is appealed to the Board for review, the Board will conduct the appeal hearing within 10 school days of the request. The Board shall be provided findings as to the facts and the decision of the hearings officer. This material shall be made available at the same time to the parent or guardian and to the student, if age 18 or over, when appealed. If the hearings officer's decision is appealed to the Board, the Board will conduct the appeal hearing in executive session unless the student or the student's parent or guardian requests a public hearing.

If an executive session is held by the Board or a private hearing by the hearings officer, the following shall not be made public:

1. The name of the minor student;
2. The issues involved, including a student's confidential medical record and that student's educational program;
3. The discussion;
4. The vote of individual Board members, which may be conducted in executive session when considering an expulsion.

The Board will affirm, modify or rescind the decision of the hearings officer.

END OF POLICY

**Legal Reference(s):**

[ORS 192.660](#)  
[ORS 332.061](#)  
[ORS 336.615 to -336.665](#)  
[ORS 339.115](#)

[ORS 339.240](#)  
[ORS 339.250](#)

[OAR 581-021-0050](#)  
[OAR 581-021-0070](#)  
[OAR 581-021-0071](#)

**Cross Reference(s):**

