

# Newberg School District 29J

Code: **JGE-AR**  
Adopted: 12/10/07  
Orig. Code(s): AR-5232

## Expulsion

A student who violates the policies and rules of the district shall be subject to expulsion according to the following procedures:

1. The site administrator shall investigate the alleged infraction. Student due process rights shall be followed. The site administrator shall contact the local law enforcement authorities in cases where the infraction or events warrants.
2. The site administrator, after reviewing the investigatory information, shall notify the superintendent and may recommend that a student be expelled. The superintendent shall review the information and may modify the expulsion recommendation.
3. If a site administrator recommends expulsion the student shall be suspended pending an expulsion decision. The suspension may last up to ten school days.
4. If the superintendent agrees to the expulsion recommendation, the site administrator shall write a letter to the parents (district template A) and complete the appropriate district expulsion hearing request/waiver form. This shall be sent to the superintendent within one school day of completion of the investigation. Alternatives to expulsion, a right to a hearing, and the right to waive a hearing shall be included.
5. The superintendent/designee shall review the letter and completed form. The letter and form shall be finalized within one school day and sent by certified mail to the student and parent.
6. The parent shall return the "Expulsion Hearing Request/Waiver" form to the superintendent/designee within two school days of receiving the form.
7. 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 in writing. By waiving the right to a hearing, the student and parent agree to abide by the decision of a hearings officer.
8. When an expulsion hearing is not waived, the following procedure shall be used to assure that a student and parent have notice of an expulsion hearing, notice of the charges supporting the proposed expulsion, and the opportunity to present evidence at that hearing.
  - a. Notice (District Template B) shall be given to the student and the parent by personal service or by certified mail at least five days prior to the scheduled hearing. Notice shall include:

- (1) The specific charge or charges;
  - (2) The conduct constituting the alleged violation, including the nature of the evidence of the violation;
  - (3) A recommendation for expulsion;
  - (4) The student's right to a hearing;
  - (5) When and where the hearing shall take place; and
  - (6) The right to representation.
- b. If the student and parent fail to appear at the scheduled hearing, the hearing shall take place regardless. The hearings officer shall make a decision based on information at hand. This decision shall be reviewed by the superintendent prior to finalization.
  - c. The superintendent shall appoint a hearings officer who shall conduct the hearing. The hearings officer shall not be associated with the initial actions of the building administrators.
  - d. When the parents or a student has difficulty understanding the English language or has a disability that requires accommodation in order to participate in the expulsion hearing, the district shall provide a translator or other reasonable accommodation. If such accommodations are necessary, requests must be made in advance of the hearing.
  - e. The student shall be permitted to have a representative present at the hearing to advise and present arguments. The representative may be an attorney, parent or other individual. The school district's attorney may be present.
  - f. The student shall be afforded the right to present his/her version of the incident and to introduce evidence by testimony, writings or other exhibits.
  - g. The student shall be permitted to be present and to hear the evidence presented by the district.
  - h. The hearings officer shall determine the facts of each case on the evidence presented at the hearing. Evidence may include relevant past history and student education records. Findings of fact as to whether the student has committed the alleged conduct along with the hearings officer's recommended decision, shall be reviewed by the superintendent prior to finalization. The final findings of fact and hearings officer's decision including the duration of any expulsion, shall be sent to the superintendent, the site administrator, the student and the student's parents within three school days of the hearing.
  - i. The expulsion may extend from eleven days up to one calendar year. Students who possess, use, or transport weapons to school shall be expelled for a period of not less than one calendar year.
  - j. The hearings officer's decision is final.
9. The hearings officer's decision may be appealed to the Board. In order to appeal a decision of the hearings officer, a parent or student must file a written request to appeal the decision to the Board within five school days from the time the hearings officer's decision is received by the student or parent. The written request to appeal shall be sent to the superintendent. Failure to appeal the hearings officer's decision within five school days renders the decision not reviewable by the school Board.
  10. The Board shall review the hearings officer's decision and shall affirm, modify or rescind the decision. Parents of students who wish to appeal the hearings officer's decision shall have the opportunity to be heard at the time the Board reviews the decision.

11. Board review of the hearing officer's decision shall be conducted in executive session unless the student or the student's parent requests a public review. The appeal before the Board shall be on the record and no additional evidence may be submitted. The evidence considered by the Board shall include the expulsion hearing record, the hearings officer's findings of fact, conclusions, and decision. The student or parent and the district representative shall each be given no more than 30 minutes for oral arguments before the Board. If a review of the expulsion is held by the Board in executive session, the following shall not be made public:
  - a. The name of the minor student;
  - b. The issues involved;
  - c. The discussion; and
  - d. The vote of Board members.
12. The superintendent shall notify the student and parent of the Board's decision to affirm, modify or rescind the hearings officer's decision.
13. A copy of the hearings officer's decision shall be placed in the student's permanent file and the supporting materials shall be held at the district office in a secure location.

(Letterhead)

EXPULSION HEARING REQUEST/WAIVER

Date \_\_\_\_\_

Student \_\_\_\_\_

Date of Birth \_\_\_\_\_

Parent/Guardian \_\_\_\_\_

Phone \_\_\_\_\_

Address \_\_\_\_\_

School \_\_\_\_\_

Year in School \_\_\_\_\_

Violation(s) \_\_\_\_\_

Date of Violation(s)

I am requesting a hearing before the hearings officer. I understand that I shall be contacted as to the time and place, and that my child has the right to be represented by legal counsel. I have read the Newberg School District Student Rights and Responsibilities Handbook and understand my rights. Alternative programs of instruction have been explained and offered to me. These alternatives are: \_\_\_\_\_ and \_\_\_\_\_.

I am waiving my right to an expulsion hearing. I understand that I shall be contacted by the hearings officer as to the decision. Alternative programs of instruction have been explained and offered to me. These alternatives are: \_\_\_\_\_ and \_\_\_\_\_.

\_\_\_\_\_  
Parent/Guardian

\_\_\_\_\_  
Date

\_\_\_\_\_  
Student

\_\_\_\_\_  
Date

\_\_\_\_\_  
Administrator

\_\_\_\_\_  
Date

Copies: Parent/Guardian, Student, Administrator, Hearings Officer, Student File

**Expulsion Template A**

Date

To the Parents of:

Name

Address

Address

Dear Mr. & Mrs.:

According to Board policy JGE - Expulsion, \_\_\_\_\_ shall have the choice of an expulsion hearing or (he/she) could accept one of our alternative school options.

We shall provide alternative educational options for your child prior to expulsion, which shall provide (him/her) with the opportunity to continue work towards completion of his/her current academic year.

During the suspension and possible expulsion period, \_\_\_\_\_ is not allowed to be on any district property, or at any school related function unless prior arrangements have been made with the principal.

The suspension and expulsion recommendation is in accordance with ORS 339.240, ORS 339.250, the district "Student Rights and Responsibilities Handbook," and Board policy JGE - Expulsion. We have enclosed copies for your records.

Please review and return the enclosed "Expulsion Hearing Request/Waiver" form within two school days identifying the proposed alternative educational options.

If you have any questions, please contact me at \_\_\_\_\_.

Sincerely,

Name

Position

cc: Site Administrator  
Superintendent  
Hearings Officer  
Student File

Encl. Board policy JGE - Expulsion  
ORS 339.240  
ORS 339.250  
Student Rights & Responsibilities Handbook

**Expulsion Template B**

Date

To the Parents of:

Name

Address

Address

RE: Expulsion Hearing for \_\_\_\_\_

Dear Mr. & Mrs.:

An expulsion hearing for your child, \_\_\_\_\_ has been scheduled for \_\_\_\_\_, 200\_ at \_\_\_\_\_ in the Newberg School District Board Room, 714 E. Sixth Street, Newberg Oregon. \_\_\_\_\_ shall serve as hearings officer.

Newberg High School has recommended that \_\_\_\_\_ be expelled for violation of the Newberg School District "Student Rights and Responsibilities Handbook" for the following infractions: \_\_\_\_\_. Your request for a hearing indicates that alternative educational options for your student were explained and offered by the school administration. At the hearing the \_\_\_\_\_, of \_\_\_\_\_ shall present the recommendation for expulsion.

You have the right to be represented by counsel, to bring witnesses and/or bring other evidence in defense of your student. Your student shall be entitled to present to the hearings officer and hear evidence put forth by the district.

You have the right to inspect any documents to be used by the district in advance of the hearing. These documents shall be available at the district office on \_\_\_\_\_, 200\_. You have the right to have an interpreter at the hearing if you do not understand the spoken English language.

The hearing shall be closed to the public unless you or your student request otherwise and shall be conducted in accordance with ORS 339.250, 332.061, and OAR 581-021-0070. A decision shall not be made at the hearing, but shall be communicated to you within three school days of the hearing. If you need a tutor for those three days for your student, please let me know. You have the right to appeal any decision to the Board. If you have any questions regarding this notice or need accommodations for the hearing, please contact me at 503-554-5000.

If you are unable to attend the hearing with your student at the scheduled time, please contact me immediately so that an alternative time can be arranged.

Sincerely,

Name

Hearings Officer

cc: Site Administrator

Superintendent

Student File

**Newberg School District**

Pre-Expulsion Checklist

- Student behavioral referral Date \_\_\_\_\_
- Superintendent notified Date \_\_\_\_\_
- Suspension pending expulsion letter sent Date \_\_\_\_\_
- Hearing scheduled - completed by Hearings Officer Date \_\_\_\_\_
- Manifestation completed (if applicable) Date \_\_\_\_\_
- School Resource Officer contacted (if applicable) Date \_\_\_\_\_
- Interpreter contacted (if applicable) Date \_\_\_\_\_
- Alternative Education programs identified Date \_\_\_\_\_

Expulsion Packet Checklist

- Incident description Date \_\_\_\_\_

Charges

Description of incident

Students' written statements (signed and dated)

Written witness statements (signed and dated)

Administrative notes from questioning student(s) and witness(es)

Administrative summary

- Transcripts (including # of credits) Date \_\_\_\_\_
- Current grade report Date \_\_\_\_\_
- Attendance record Date \_\_\_\_\_
- Current class schedule Date \_\_\_\_\_
- Behavior record Date \_\_\_\_\_
- Board policy JGE-Expulsions Date \_\_\_\_\_
- Recommendation to Hearings Officer (separate document) Date \_\_\_\_\_
- Packets for meeting Date \_\_\_\_\_





