

Expulsion**

A principal, after reviewing available information, may recommend to the Superintendent that a student be expelled.

No student may be expelled without a hearing unless the student's parents or guardians, 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. By waiving the right to a hearing, the student and parent or guardian agree to abide by the lawful findings of a hearings officer.

When an expulsion hearing is mandated by district policy or regulation and is not waived, the following procedure is required:

Notice will be given to the student and the parent or guardian by personal service or by certified mail at least five 5 days prior to the scheduled hearing. Notice will 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 will take place; and (6) the right to representation.

The Superintendent or designee will act as hearings officer and will conduct the hearing. The hearings officer will not be associated with the initial actions of the building administrators.

In case the parent or student have difficulty understanding the English language or have other serious communication handicaps, the hearings officer will provide a translator, if possible.

The student will be permitted to have a representative present at the hearing to advise and to present arguments. The representative may be an attorney, parent or guardian. The school district's attorney may be present.

The student will be afforded the right to present his/her version of the charges and to introduce evidence by testimony, writings or other exhibits.

The student will be permitted to be present and to hear the evidence presented by the district.

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 records. Findings of fact as to whether the student has committed the alleged conduct will be submitted to the Board, along with the officer's decision on disciplinary action if any, including the duration of any expulsion. This decision will be available in identical form to the Board, the student and the student's parents or guardians at the same time.

The hearings officer or the student may make a record of the hearing.

Within ten (10) calendar days of the mailing post mark of the hearing officer's decision, the parent or other person in parental relationship, of the student if 18 years of age or over may request a Board review of the decision by filing a written appeal.

- * The written appeal shall set forth the grounds for the appeal and any argument in support thereof and shall be filed with the Office of the Superintendent at 1155 North Third Avenue, Stayton, Oregon 97383.
- * Failure to file notice of appeal within the allowed 10 day time period constitutes a waiver of the review rights.
- * Upon receipt of the written appeal the Board shall be provided with the hearing officer's decision and the student's appeal.
- * The Board review shall be solely on the record without additional testimony or appearances by the parent or other person in parental relationship, student or staff.
- * The Board's shall review the record and thereafter meet in executive session pursuant to ORS 332.061. Unless the parent or other person in parental relationship or the student, if 18 years of age or over, request an open meeting, at which time the Board may uphold, rescind or modify the hearing officer's decision, remand the case to the hearing officer for further testimony.
- * Requests for an open appeal meeting must be made at the time the written appeal form is filed with the superintendent.
- * The Board's decision shall be reduced to writing and a copy mailed to the parent or other person in parental relationship, or to the student if age 18 or over.

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 581-021-0071](#)

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

