

Expulsion**

The following procedures are required for all expulsion hearings:

1. In the event expulsion is recommended by the student's building principal or his/her representative, the student may or may not be suspended pending a hearing on expulsion. In either event, the principal shall arrange with the superintendent for a time and place of hearing on expulsion, and shall promptly notify the student and parents of the time and place of the hearing. Such notice shall be delivered personally to the student and the student shall acknowledge receipt thereof. If the student is not readily available for service of such notice, the same may be mailed to the student by certified mail with return receipt requested. The notice given to the parents shall be sent by certified mail with return receipt and also by regular mail. Such notice shall cite the charge or charges and the specific acts that support them. The notice shall state a recommendation of either expulsion without suspension or suspension pending a hearing for possible expulsion, and the right of the student or parents to representation. The written notice shall be mailed to the parents at least seven days prior to the hearing on expulsion;
2. Unless otherwise provided by the district school Board, the school superintendent, or his/her designated representative, shall act as the hearings or review officer and shall maintain control over and conduct the hearing or review. In case of foreign language differences, or other serious communication disabilities, the hearings officer shall provide a translator. The student, the student's parents or their representative, who may be an attorney, shall be given the right to present their version as to the charges and to make such showing by way of oral testimony, affidavits, or exhibits. They shall be permitted to hear the evidence presented against the student. They shall have the right to make a record of the hearing;
3. The hearings officer will conduct the hearing and be in control over it. He/She will determine the facts of the case on the evidence presented at the hearing. This may include the relevant past history and records of the student. Strict rules of evidence shall not apply to the proceedings. The hearings officer will, as soon as practicable, submit to the Board his/her findings as to fact, and whether or not the student charged is guilty of the conduct alleged, and his/her decision of disciplinary action, if any, including the duration of any expulsion. His/Her decision will be made available in identical form and at the same time to the Board, the student and the student's parents;
4. Thereafter, the Board will review the findings, and may affirm, modify or reverse the decision of the hearings officer, notifying the student and parents by certified mail of its decision;
5. Following expulsion of a student, the district will propose alternative programs of instruction or counseling, or both, for the student;

6. The student and parents shall have the right to waive such hearing, but by doing so, they will be agreeing to abide by the lawful findings of the review officer, who will review the student's file and make such investigation as he/she deems appropriate, including interviewing the student if he/she sees fit. The review officer will be the person who would otherwise have acted as the hearings officer. If the student and parents desire to waive such hearing, they have the right to do so by submitting a written waiver to the principal. No such waiver should be signed without very careful consideration and making sure that it is fully understood.

Procedure on Expulsion Hearing and Review

1. All hearings on expulsion shall be private unless otherwise requested by the student, or the student's parents.
2. The Board's review of the decision of the hearings officer shall be upon the record made at the hearing and shall be conducted at its next regular meeting, or at a special meeting called prior thereto. The review will be at executive session unless otherwise requested by the student, or the student's parents.
3. If an executive session is held by the Board, or a private hearing is held by its hearings officer, the following shall not be made public:
 - a. The name of the minor student;
 - b. The issue;
 - c. The discussion;
 - d. The Board members' vote on the issue.
4. A taped record of the expulsion hearing shall be maintained under the direction of the hearings officer. The student or parents, upon request, shall be entitled to a copy of the record on condition that they pay the reasonable cost of reproduction of transcription.
5. The hearings officer and the principal shall be entitled to legal counsel furnished by the district if such request is approved by the superintendent. Counsel would not ordinarily be used unless the student, or parents are represented by counsel.
6. All witnesses shall be sworn in by the hearings officer prior to giving testimony. The witness will hold up his/her hand and take the following oath:

"Do you solemnly swear that the evidence you shall give in the matter now pending shall be the truth, the whole truth, and nothing but the truth, so help you God?"

If the witness refuses to take an oath, he/she shall be asked the following question:

"Do you solemnly affirm that the evidence that you shall give in the matter now pending shall be the truth, the whole truth, and nothing but the truth?"

(continued)

7. Order of Procedure at Hearing

- a. The hearing will be called into session by the hearings officer.
- b. Opening statement will then be given by the school administrator or counsel.
- c. Opening statement by student or parents, or their counsel.
- d. Presentation of evidence by administrator or counsel.
- e. Presentation of evidence by student and parents, or their counsel.
- f. Presentation of rebuttal evidence by administrator or counsel.
- g. Argument of administrator or counsel.
- h. Argument of student and parents, or counsel.
- i. Final argument of administrator or counsel.
- j. Adjournment.