

Vernonia School District 47J

Code: **JGE**
Adopted: 8/14/08
Orig. Code(s): JGE

Expulsion**

A student whose conduct or condition is seriously detrimental to the best interests of the school may be expelled in accordance with administrative procedures and rules established by the superintendent. Such rules and procedures will ensure careful consideration of the rights and needs of the individual concerned, as well as the best interests of other students and the school program as a whole.

A principal, after reviewing available information, may recommend to the superintendent that a student be expelled. Expulsion of a student shall not extend beyond one calendar year.

No student may be expelled without a hearing unless the student's parent(s), or the student if 18 years of age, waive the right to a hearing, either in writing or by his/her failure to appear at a scheduled hearing. By waiving the right to a hearing, the student and parent agree to abide by the lawful findings of a hearing or review officer.

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

1. Notice will 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 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;
2. 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;
3. In case the parent or student has difficulty understanding the English language or has other serious communication disabilities, the hearings officer will provide a translator;
4. 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 or parent. The school district's attorney may be present;
5. The student will be afforded the right to present his/her version as to the charges and to introduce evidence by testimony, writings or other exhibits;
6. The student will be permitted to be present and to hear the evidence presented by the district;
7. 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 education records of the student. 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 made available in identical form and at the same time to the Board and to the student and the student's parents.

8. The hearings officer or the student may make a record of the hearing;
9. The decision of the hearings officer is final; however, this decision may be appealed to the Board which at its next regular meeting will review the decision of the hearings officer and will affirm, modify or reverse the decision. Parents of students who wish to appeal the decision of the hearings officer will have the opportunity to be heard at the time the Board reviews the decision;
10. Expulsion hearings will be conducted in private and Board review of the hearings officer's decision will be conducted in executive session unless the student or the student's parent requests a public hearing. If an executive session is held by the Board or a private hearing by the hearings officer, the following will not be made public:
 - a. The name of the minor student;
 - b. The issues involved;
 - c. The discussion;
 - d. The vote of Board members, which may be taken in executive session.

Prior to expulsion, the district must propose alternative programs of instruction or instruction combined with counseling to a student subject to expulsion for reasons other than a weapons policy violation. The district must document to the parent of the student that proposals of alternative programs have been made.

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](#)