

The long-term removal of a student from the school environment, including classes and activities, is an expulsion from school. Students may be expelled for violations of board policy, school rules or the law. It shall be within the discretion of the superintendent to recommend to the board the expulsion of a student for disciplinary purposes.

Only the board may take action to expel a student and to readmit a student who has been expelled. It is within the discretion of the board to discipline a student by using an expulsion for a single offense or for a series of offenses depending on the nature of the offense and the circumstances surrounding the offense.

The building principal shall keep records of expulsions, in addition to the board's records.

When a student is recommended for expulsion by the superintendent, the student shall be provided with:

1. Notice of the reasons for the proposed expulsion written with sufficient specificity to enable the student to prepare a defense;
2. Notice of the date, time, and place of the expulsion hearing sufficiently in advance of the hearing to enable the student to obtain the assistance of counsel and to prepare a defense;
3. Notice that the student is entitled to a closed hearing unless an open hearing is specifically requested;
4. The names of the witnesses the superintendent will present, if available, and a statement of the facts to which each witness will testify;
5. Notice that the student will be given an opportunity to present a defense against the charges; to provide either oral testimony or written affidavits of witnesses; to present documents; to be given copies of documents which will be introduced by the administration, and to cross-examine adverse witnesses, if available;<sup>1</sup> and
6. Notice that the student has the right to be represented by counsel.

At the hearing, the student will have all of the rights given in the notice and may give an opening and closing statement in addition to calling witnesses and cross-examining adverse witnesses. The board members hearing the expulsion matter must be impartial (i.e. have no prior involvement in the situation, have no stake in the outcome, and have no personal bias or prejudice).

After the board has heard the expulsion matter, it shall go into deliberations. No one who advocated a position at the hearing of the matter should be present during the board's

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<sup>1</sup> In some cases, information concerning a student's violation of school rules will be gained from students who the district may want to remain anonymous. The district believes that it is critically important, in certain circumstances, to protect the anonymity of students who report serious violations of school rules to insure that violations are reported and those who report them will not be subjected to ostracism and physical reprisals. If an expulsion is based upon evidence obtained from a student who the district believes needs to remain anonymous because they may be subjected to ostracism or physical reprisals, the administration shall undertake reasonable efforts to determine the veracity of the student's report and the student's credibility.

deliberations unless the other party or parties are also permitted to attend deliberations. The student has a right to a decision based solely on the evidence presented at hearing. There must be an adequate factual basis for the board's decision. A preponderance of the evidence standard is sufficient to find the student violated the rule or policy at issue. Following the board's deliberations, the board shall reconvene in open session and render its decision on the superintendent's recommendation for expulsion. The student is entitled to a written decision setting out the board's findings and conclusions as to the charges and the penalty.

In addition to these procedures, a special education student will be provided with the following procedures:

1. A determination shall be made whether the student has participated in the misconduct;
2. A staffing team shall determine whether the student's behavior is a manifestation of the student's disability and whether the student's conduct is the result of an inappropriate placement. Discussions and conclusions of this meeting should be recorded.
3. If the special education student's conduct is found to not be a manifestation of the student's disability, the student may be suspended or expelled pursuant to the district's Student Suspension and Student Expulsion policies.
4. If the special education student's conduct is found to be a manifestation of the student's disability and a change in placement is recommended, the change shall be made pursuant to district policies and the law. If a change in placement is not recommended, a determination shall be made within the student's I.E.P. and the law as to how to manage the student's behavior to prevent the student's possible future misconduct.

Adopted: 1967

Reviewed and Amended: 12/13/76; 3/8/93; 3/96; 9/27/99; 12/22/08; 12/18/13; 6/8/16