

STUDENT CODE OF CONDUCT - STUDENT EXPULSION

Students may be expelled for conduct that violates school rules. The removal of a student from the school environment, which includes, but is not limited to, classes and activities, is an expulsion from school.

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 remove a student from the school environment. A student may be expelled by the Board for a commission of gross or repeated infractions of school rules or when the presence of the student will cause interference with the maintenance of the educational environment or the operation of the school. It shall be within the discretion of the Board to discipline a student through expulsion depending on the nature of the student's 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, 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,¹ and an oral or written report on the facts to which each witness testifies;
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, (see footnote 1); and

¹ In some cases, information concerning a student's violation of the Code of Conduct 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 the Code of Conduct 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.

STUDENT CODE OF CONDUCT - STUDENT EXPULSION

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 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 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 must be provided with the following procedures:

1. A determination shall be made whether the student has participated in the misconduct;
2. A staffing team should determine whether the student's behavior is a manifestation of the student's disability and whether the conduct is the result of inappropriate placement. Discussions and conclusions of this meeting should be recorded;
3. If the handicapped student's is found to not be a manifestation of the student's disability and a change in placement is recommended, the student may be expelled or suspended pursuant to the district's expulsion hearing procedures;
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.

Approved: January 28, 2013
Reviewed:
Revised: