

*Administrative Rule*

**EXPULSION**

*Code JDE-R Issued 3/16/22*

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**Investigation and action taken by the principal**

If an administrator or his/her designee investigates a report of student misbehavior and decides to recommend expulsion, the administrator should suspend the student and notify the student's parent/legal guardian of his/her right to meet with the administrator within three school days of the date of the suspension. If after meeting with the parent/legal guardian (or if the parent/legal guardian has not come in for a meeting by the third school day), the administrator still intends to recommend expulsion, the matter will be referred directly to the district hearing officer. This procedure will be followed in all cases, regardless of the offense charged.

**Notice of expulsion recommendation**

By the end of the third school day following receipt of an expulsion recommendation, the hearing officer will notify the student and parent/legal guardian, in writing, of the following.

- rule(s) infraction alleged to have occurred
- summary of the evidence against the student
- right of the student to request copies of witnesses' statements from the administrator
- right of the student to a hearing on the evidence
- time and place of the hearing, which must be held within 15 days of the date of notification (unless the parent/legal guardian or his/her representative agrees otherwise)
- procedure to be followed at the hearing, including the right to be represented by counsel
- right of the student, the parent/legal guardian or the student's representative to examine the student's records

**Hearing procedure**

The administrator, the administrator's representative, the student, the parent/legal guardian and/or the student's representative may be present at the hearing. If the hearing officer and the parent/legal guardian agree, the student may be dismissed during portions of the hearing. The administrator and the student, or their representatives, will be allowed to present witnesses or witnesses' statements and, within the discretion of the hearing officer, cross-examine the other party's witnesses. The hearing officer may ask the witnesses questions. The parent/legal guardian and/or the student's representative will be given an opportunity to argue their position or express their views on the case. A recording of the testimony and documentation regarding the hearing will be kept on file by the hearing officer.

**Action following the hearing**

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Within 10 school days of the hearing, the hearing officer will decide whether the student committed the alleged rule(s) violation or misconduct based upon the evidence presented at the hearing, and the appropriate punishment. If the hearing officer determines that grounds for expulsion exist, he/she may expel the student for the remainder of the current school year, permanently expel, or give punishment other than expulsion including, but not limited to, suspension or probation. Probation means special restrictions have been placed on the student's right to attend school. Violations of these restrictions will result in suspension and a recommendation for expulsion.

The hearing officer will report his/her decision in writing to the parent/legal guardian, the superintendent and the school. If the hearing officer determines that grounds for expulsion do not exist, all absences resulting from the suspension will be excused and the student's record cleared. The student will be permitted to complete all assignments pending the expulsion hearing.

### **Appeals**

The decision of the hearing officer may be appealed by either the student or the administration to the Board, if written notice of appeal is made to the Superintendent within five school days of notification of the hearing officer's decision. An appeal will normally be limited to the established record which will consist of the tape of the hearing, including any documentary evidence presented by either party. The record will also contain the hearing officer's decision letter and expulsion summary sheet and the appealing party's written notice of intent to appeal. Normally, the Board will not grant a personal appearance to either party in an appeal, unless there are extenuating circumstances and the Board, in its discretion, determines to grant such an appearance. The Board may uphold, reverse or alter the decision of the hearing officer. Except in cases where a personal appearance is granted, the Board will render a decision within 15 calendar days of the date of appeal. If the recommendation for expulsion is rejected on appeal, all absences resulting from the suspension will be excused and the student's record cleared. The student will be permitted to complete all assignments pending the appeal process.

### **Permanent expulsion**

Students who are incorrigible, including those who commit a single serious offense or who are expelled two successive school years, may be recommended for permanent expulsion.

Adopted 3/15/22

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