

*Policy*

**EXPULSION**

*Code JDE Issued 3/16/22*

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Expulsion is the removal of a student from a school for the remainder of the school year or until readmitted by the Board. The Board delegates to the Board approved District hearing officers the authority to conduct administrative hearings and take disciplinary action, including expelling students from the District. The decision of the hearing officers may be appealed to the Board as indicated below. The Board may permanently expel any incorrigible student.

A student may be expelled, suspended, or transferred for a commission of any crime, gross immorality, gross misbehavior, and persistent disobedience or for violation of written rules and regulations established by the Board or State Board of Education. A student may be expelled, suspended, or transferred when the presence of the student is detrimental to the best interest of the school.

If procedures for expulsion are initiated, the parents/legal guardians of the student will be notified in writing of the time and the place of a hearing before the District hearing officer. At the hearing, the parent/legal guardian will have the right to legal counsel and to all other regular legal rights, including the right to question all witnesses. The right to appeal the decision to the Board of Trustees is reserved to either party. The Board will generally consider appeals based on the written information submitted by the student, the hearing officer and school administration, with neither party personally appearing before the Board.

The hearing will take place within 15 days of the written notification at a time and place designated by the hearing officer and a decision will be rendered within ten days of the hearing. The student may be suspended from school and all activities during the time of the expulsion procedures.

Except for a prearranged conference with an administrator, expulsion or suspension will be construed to prohibit a student from entering the school or school grounds, attending any day or night school functions or riding a school bus. These provisions will not preclude enrollment and attendance in any adult or night school.

The Board or its designated administrator may transfer a student to another school in lieu of expulsion, but only after a conference or hearing with the parent/legal guardian. The parent/legal guardian may appeal a transfer made by an administrator to the Board.

*Weapons*

See policy \_\_\_\_ for expulsion relating specifically to weapons (firearms).

Adopted 8/18/98; Revised 3/15/22

Legal references:

- A. United States Code:
  - 1. 20 U.S.C. 3351 - Gun-Free Schools.
  
- B. South Carolina Code, 1976, as amended:
  - 1. Section 59-19-90(3) – Gives district trustees authority to prescribe rules of pupil conduct, including provisions for suspension or dismissal of those failing to comply with such rules.
  - 2. Section 59-63-210 – Grounds for suspension, expulsion or transfer
  - 3. Section 59-63-240 – Expulsion hearings- times, procedures, legal rights appeals.
  - 4. Section 59-63-235 - District must expel student.