

EXPULSION OF STUDENTS

Code **JKE-R** Issued **6/05**

Investigation and action taken by the administrator

If a school principal or his/her designee or district administrator investigates a report of student misbehavior and decides to recommend expulsion, the administrator will 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 superintendent or his/her designee. 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 superintendent or his/her designee will notify the student and parents/legal guardians in writing, of the following.

- the rule(s) infraction alleged to have occurred
- the right of the student to review his/her record including the investigative documents the administration intends to present at the expulsion hearing
- the right of the student to a hearing on the evidence
- the time and place of the hearing which must be held within 10 school days of the date of notification, unless the parent/legal guardian of his/her representative agree otherwise
- the procedure to be followed at the hearing, including the right to be represented by legal counsel.

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 superintendent or his/her designee 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 superintendent or his/her designee, cross-examine the other party's witnesses. The superintendent or his/her designee may ask the witness 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 or written minutes of the hearing will be kept on file by the superintendent or his/her designee for at least one calendar year.

Action following the hearing

Within seven school days of the hearing, the superintendent or his/her designee 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 superintendent or his/her designee determines that grounds for expulsion exist, he/she may expel for the remainder of the semester, expel for the remainder of the current school year, permanently expel or give

PAGE 2 - JKE-R - EXPULSION OF STUDENTS

punishment other than expulsion, including but not limited to, assignment to the alternative school, 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 immediate suspension and a recommendation for expulsion.

Assignment to the alternative school means loss of the right to participate in extracurricular activities in the base school during the assignment period.

The superintendent or his/her designee will report his/her decision in writing to the parent/legal guardian and the school. If the superintendent or his/her designee determines that grounds for expulsion do not exist, absences resulting from the suspension may be excused if appropriate, and the student's record will reflect the decision of the superintendent or his/her designee. The student will be allowed to make up missed work as appropriate.

Expulsion appeals

Only the superintendent or his/her designee's decision to either expel the student from all district schools or assign the student to the alternative school may be appealed by the student to the board, provided written notice of appeal is made to the superintendent within five school days of notification of the superintendent or his/her designee's decision. An appeal will normally be limited to the established record and no new testimony will be allowed, unless the board desires to hear additional testimony. The board may uphold, reverse or alter the expulsion or reassignment decision of the superintendent or his/her designee. If the recommendation for expulsion or reassignment is reversed on appeal, all absences resulting from the suspension will be excused and the student's record cleared. The student will be allowed to make up all missed work.

The board will conduct an expulsion or reassignment appeal within 10 school days of the written notification at a time and place designated by the board and will render a decision within seven school days of the hearing.

Petitions for readmission

Students who have been expelled for the remainder of the current school year may make a written request to the superintendent or his/her designee for readmission for the subsequent school year. The request must specify the reasons why the student should be allowed to return.

If the superintendent or his/her designee denies the student's request, or in all cases of permanent expulsion, the student may make a written request to the board for readmission, and may include a request to appear before the board. If the request is denied by the board, the student may submit another request prior to the following school year.

Issued 8/13/91; Revised 6/14/05