

# OLDHAM COUNTY BOARD OF EDUCATION POLICY

## EXPULSIONS

9033

### CODE OF ACCEPTABLE BEHAVIOR AND DISCIPLINE

*References: KRS 158.150; KRS 527.070*

*Relates to: Policies 9027, 9030, 9068*

The Board may expel any student for misconduct as defined in KRS 158.150. Any student who is determined by the Board to have brought a weapon to school or used or possessed a weapon at school shall be expelled for a period of one (1) calendar year. Disciplinary action, in accordance with Board Policy 9068, up to and including expulsion, shall be required for a student who is determined to have possessed prescription drugs or controlled substances for the purpose of sale or distribution at school, or to have physically battered or abused school personnel or other students at a school or school function.

The Board will provide educational services unless it determines on the record that clear and convincing evidence exists to show the student poses a threat to the safety of students or staff and cannot be placed in state agency program.

No student shall be expelled until the student and his/her parent/guardian/custodian has had an opportunity to have a hearing before the Board.

When a recommendation has been made for expulsion, the student shall be advised of his/her right to a fair and impartial hearing before the Board of Education. The student and his/her parent/guardian/custodian shall have the following procedural rights, and shall be advised in writing of such rights at least three (3) days prior to any scheduled hearing:

- (a) The student shall be entitled to receive a statement in writing setting forth the charges against him/her with sufficient clarity to enable him/her to present a reasonable response or defense to such charges, at least 3 days before hearing.
- (b) The student shall be advised that he/she has the right to legal counsel of his/her choice, or a lay person as his/her representative.
- (c) The student shall be advised that he/she has the right to bring any witness(es) in support of his/her defense, or as a character witness or to present witness testimony by affidavit. He/she shall be further advised that should a witness of his/her choice refuse to voluntarily attend, that the Board of Education, upon proper application and notice, has the power to subpoena such person to compel such attendance. The student shall have the right to cross-examine any witnesses testifying against him/her.
- (d) The student shall be advised that the hearing shall be conducted in an impartial manner, and that a transcript, recording, or other verbatim recording of the hearing may be made.
- (e) The student shall be advised that, according to KRS 161.810(f), the hearing will be closed to the public, unless the student requests in writing in advance to hold a public hearing.
- (f) The student shall be advised that he/she is entitled to an expeditious handling of his/her case, and a prompt decision after the hearing, consistent with the requirements of mature and careful reflection by the Board.
- (g) The student shall be afforded an explicit explanation in writing of the basis of any decision rendered against him/her.