

EXPULSION

Expulsion is defined as a suspension from, or denial of, educational services for a period longer than ten (10) consecutive school days. The authority to expel a student is vested only in the Board of Education. Expulsion may be for the remainder of the school year, for a definite period of time, or it may be permanent. Re-admission after an expulsion period may be upon such condition(s) as determined by the board.

If a student is charged with any misconduct which may result in an expulsion, the following due process will be afforded the student:

The principal, or the authorized representative of the principal, will conduct an investigation to determine whether or not a reasonable basis exists for believing that the charge against a student is true. The investigation shall include the minimal due process as set forth in Policy JCAA. However, where a student's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, such student may be immediately removed from school, and in such cases, the minimal due process set forth in Policy JCAA should follow as soon as practicable. If such reasonable basis is found to exist, the following process will be followed.

The student will be suspended not more than ten (10) school days, pending a hearing on the charges of misconduct.

The principal will notify the student's parent or guardian of the alleged misconduct and of the student's suspension. The principal will advise the parents or guardian that the charge of misconduct may result in an expulsion.

The principal will deliver to the Superintendent of Education or designee a report concerning the alleged misconduct, suspension, and the basis thereof. Any written statements of witnesses will be made available to the Superintendent or his designee.

Upon receipt of a report of misconduct that may result in expulsion, the Superintendent or designee will schedule a hearing for the student before the Student Hearing Officer (designated by the Superintendent). The Superintendent (or designee) will by certified mail or by personal delivery (or other method if it results in actual notice), send to the student and the student's parent or guardian a written notice which shall include the following:

1. A statement of the misconduct charged.
2. A notice of the time scheduled for a hearing by the Student Hearing Officer on the alleged misconduct, which shall, in the absence of extraordinary circumstances, occur before the student has served more than 10 school days of suspension.
3. A statement of the Board's policy with respect to expulsion, and a copy of any Board policy which the student is charged with having violated.
4. Notice that the student may be represented at such hearing by legal counsel of choice, at the expense of the student or parents of the student.
5. Notification that the student or his counsel will be allowed to present such contrary evidence

as they may choose.

At the hearing, the student will be permitted a fair opportunity to respond to the charges against him/her. The Student Hearing Officer shall first consider whether or not the student committed the act or acts of misconduct charged. If the Student Hearing Officer finds that the student committed the act or acts of misconduct charged, he/she shall then consider what disciplinary action is appropriate.

Following the official conclusion of the formal hearing, the Student Hearing Officer or his designee shall send by certified, registered mail or personal delivery (or other method if it results in actual notice) to the student a written copy of the Student Hearing Officer's decision.

The Student Hearing Officer is authorized to impose disciplinary measures upon the student, but the Student Hearing Office may not impose a punishment of expulsion.

If, after conducting the hearing, the Student Hearing Officer believes that the penalty of expulsion would be appropriate, then the Student Hearing Officer may choose to refer the matter to the Athens City Board of Education. In that event, the Superintendent will schedule a hearing for the student before the Athens City Board of Education (at a time that is no later than thirty (30) days after the hearing before the Student Hearing Officer (absent unusual circumstances)). Unless the Student Hearing Officer decides otherwise, a suspended student will remain suspended during the time period between the student's hearing before the Student Hearing Officer and a hearing before the Board of Education, even though the total period of suspension may exceed 10 days. The Superintendent shall provide the student and the student's parent or guardian notice of the hearing in the same manner as with respect to the hearing before the Student Hearing Officer.

At the hearing before the Board of Education, the student will be provided a fair opportunity to respond to the charges against him/her. The Board shall first consider whether or not the student committed the act or acts of misconduct charged. If the Board finds that the student committed the act or acts of misconduct charged, it shall then consider what disciplinary action is appropriate, and may consider any recommendation by the Superintendent. It shall not, however, be required to accept the Superintendent's recommendation.

If the Superintendent believes it to be appropriate under the circumstances, then the Superintendent may forego the student's hearing before the Student Hearing Officer and proceed directly to a hearing before the Athens City Board of Education. In such event, written notice shall be provided as in the case of a hearing before the Student Hearing Officer, and the hearing shall, in the absence of extraordinary circumstances, occur before the student has served more than 10 school days of suspension.

Classrooms are not courtrooms. Student disciplinary proceedings do not need to conform to the formal procedures and rules of evidence that govern trials in courts of law. Moreover, a school official's inadvertent or mistaken failure to comply with any of the provisions of this policy will not invalidate or otherwise impact the validity of any disciplinary measure imposed by school officials, where such failure does not result in actual harm or material prejudice to the student.

This policy shall not be read to contradict federal and state laws/regulations concerning

students with disabilities. When disciplinary measures involve students with disabilities, said law/regulations shall prevail in the case of any inconsistency with this policy.

As used herein, the term “suspension” refers to out-of-school suspension.

SOURCE: Athens City Board of Education, Athens, AL

ADOPTED: Nov. 5, 1978; REVISED: June 15, 2000; REVISED: May 21, 2009; REVISED: August 9, 2019.

LEGAL REF: Ala. Code § 16-1-14 (1975); Ala. Code § 16-1-24.1 (1975); *Hammock v. Keys*, 93 F. Supp.2d 1222 (S.D. Ala. 2000).