

Title: Student Suspension and Expulsion - Regulation

A written recommendation for expulsion shall be initiated by the building principal to the Chief of Student and Family Services. Upon review, the Chief of Student and Family Services may then make a recommendation to the Superintendent. The Superintendent may then make a recommendation to the Board of Directors.

In cases involving assault of staff by students, the building principal shall suspend the student up to 10 days. The principal shall notify the Superintendent who will notify the Board President. The Board, at its next regularly scheduled meeting, or in a meeting called for the specific purpose, shall review the suspension and determine whether or not to hold a disciplinary hearing to determine whether further disciplinary action is warranted. In making its decision, the Board shall take into account the best interests of the District, including what is best to protect and ensure the safety of school employees and students from the student committing the assault, and also whether the Superintendent has already recommended to the Board the expulsion of the student committing the assault. If the Board determines to hold a hearing on whether further disciplinary action is warranted, a hearing for the student concerning the further discipline shall be scheduled. If a hearing is scheduled, all procedures related to a recommendation for expulsion shall be followed.

When a student is recommended to the Board for expulsion, the student/parent shall be provided with:

1. All rights to due process as required by law
2. Notice of the reason for the proposed expulsion. A copy of the Code of Conduct, Policy 511 and Regulation 511.1 and any other applicable school policies or rules shall be included with this notice
3. Notice of the right to an open or closed hearing and the date and time thereof
4. The names of the witnesses and an oral or written report on the facts to which each witness will testify
5. An opportunity to present a defense against the charges and provide either oral testimony or written affidavits of witnesses on the student's behalf
6. The right to be represented by counsel
7. When the student's/parent's primary language is other than English, all written communication in the primary language and an interpreter in oral settings
8. The results and findings of the Board including, when appropriate, any conditions for readmission, in writing and open to the student's/parent's inspection

It shall be the responsibility of the Chief of Student Services to maintain appropriate written documentation of all phases of the expulsion process. The secretary of the Board shall also maintain a record.

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FORMAT FOR BOARD HEARING
FOR EXPULSION

The student, or the parent of the student if the student is a minor, or other legal representative of the student may request to have an expulsion hearing open or closed to the general public. The hearing will be conducted at a Board meeting in a closed session unless an open session is so requested. In the event of an open session is requested, it shall be deemed a waiver of confidentiality of any information regarding the student used at the hearing.

The following is the format for the conduct of the hearing itself:

1. The President of the Board is the presiding officer and in charge of the conduct of the hearing. At the beginning of the hearing, it shall be announced this is the time and place set for the hearing on the recommended expulsion of (name of student) pursuant to notice previously given as prescribed by the student Code of Conduct. After making that announcement, all of the parties present shall be called upon to identify themselves, including the Board and all witnesses of any of the parties. For the record, the questions shall also be asked as to whether anyone is present on behalf of (student).
2. Following the announcement and identification, the following question shall be made a matter of record: Is the administration ready to proceed -- Is the student or the student's representative ready to proceed (if anyone is present on the student's behalf)? At this time, the hearing is ready to commence.
3. The procedure for the order of the presentation of the case is as follows:
 - A. The Superintendent or a representative shall first present his/her evidence including witnesses or documentary evidence. If the student or a representative is there, the right shall be given to them to cross-examine each of the administration's witnesses as testimony is presented.
 - B. After the administration has presented all evidence, the student or a representative present, will then have a right to present evidence in a similar fashion. The Superintendent or representative has the right to cross examine.
 - C. When the administration has announced it is ready to proceed, the presiding officer shall state: "You may call your first witness." At that time the Superintendent's representative would name the first witness. As the witnesses are presented, the presiding officer shall state: "Will you please raise your right hand." At that point while the witness has his/her hand raised, the presiding officer may raise his/her right hand and administer the following oath:
"Do you solemnly swear or affirm that the evidence which you are about to give at this hearing shall be the truth, the whole truth and nothing but the truth?"
At that point the presiding officer shall say to the administration's representative,

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“You may proceed with your examination.” When the administration has indicated the examination is completed, the presiding officer shall ask the representative of the student, if present, “Do you have any cross-examination?”

After the cross examination has been completed, the witness may be excused.

4. The parties may have documentary evidence to be presented; in which case it may be presented either by offering a foundation for the evidence through a witness or by agreement of the parties. The documentary evidence may be either school records of one kind or another or other documentary evidence relevant to the specific grounds for the expulsion. With respect to each piece of documentary evidence offered, the presiding officer shall specifically rule as to whether the document is admitted into evidence or not.
5. After both parties have presented all their evidence and rested, the presiding officer shall announce, “This hearing has now concluded.”
6. The Board’s decision-making process takes place after the hearing is completed and will be in executive session outside of the presence of the administration or its representatives and the pupil or his representatives. At that time the Board shall discuss the case based solely on the record which has been made at the hearing which shall include the following:
 1. The Superintendent’s recommendation of expulsion
 2. All evidence received or considered and all other submissions including any documentary evidence received
7. After the Board has deliberated, the Board shall then adjourn from the closed session and convene in open session by roll call vote, and if it has been determined to accept the Superintendent’s recommendation, a motion in substantially the following form should be adopted by roll call vote in open session:

“I move that we expel the student named in the Superintendent’s recommendation for (specify the time period the expulsion is to be in effect) and establish conditions for re-entry as identified in the Superintendent’s recommendation or other conditions decided upon by the Board, and that written findings of fact and conclusions be prepared consistent with the Board’s decision and be reviewed and sign by the Board President.”

**FORMAT FOR A BOARD VOTE REGARDING AN
UNCONTESTED EXPULSION**

The student and parent or other legal representative of a student may choose to waive their right to a hearing before the Board. The District shall make a written record that the student/parent received notice of their right to a hearing and that they waived such right.

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Upon recommendation of the Superintendent, the supervisor of student services shall forward to individual Board members all materials necessary for the consideration of a recommendation for expulsion. Those materials shall include, but not be limited to: recommendations of appropriate administrators including the Superintendent, descriptions of the incident(s), list of witnesses, all relevant Board policies and procedures, copies of parent/student notices, signed parent/student waiver of hearing and proof of delivery of all such materials to the parent/student.

Board members shall receive such materials no later than 48 hours prior to the meeting, at which the recommendation for expulsion is to be considered.

Individual Board members may seek additional information or clarification of materials from the office of the Superintendent. Board members may discuss the proposed recommendation for expulsion in a confidential manner with each other to the extent permitted by law. A closed session may be held by the Board at the meeting at which the recommendation for expulsion is considered to review or discuss the materials in support of the recommendation or as otherwise permitted by law.

In an open session a motion in substantially the following form shall be put forward for a roll call vote:

“I move that we expel the student named in the Superintendent’s recommendation for (specify the time period the expulsion is to be in effect) and establish conditions for re-entry as identified in the Superintendent’s recommendation or other conditions decided upon by the Board, and that written findings of fact and conclusions be prepared consistent with the Board’s decision and be reviewed and signed by the Board President.”

PROCEDURES FOR SUSPENSION AND EXPULSION OF SPECIAL EDUCATION STUDENTS

Procedures for suspension and expulsion of special education students shall be in accordance with federal and state law in effect at the time of the incident.

Cross References:
512--Code of Conduct

Legal References:
Iowa Code 21.5, 282.3, .4, .; Goss v. Lopez, 419 U.S. 565. 95 S.Ct. 729 (1975)

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