Administrative Rule

EXPULSION OF STUDENTS

Code **JKE-R** Revised **1/25**

The sole authority to expel students belongs to the board.

The board will consider the following factors in determining the appropriateness of expelling a student:

- the student's age
- the student's disciplinary history
- the student's eligibility as a student with a disability
- the seriousness of the violation committed by the student, including any aggravating or mitigating circumstances
- the threat posed to any student or staff as a result of the student's conduct
- the likelihood that a lesser intervention would effectively address the violation

Procedure for Expulsion

Informal hearing

When a principal has determined that expulsion may be warranted, the principal will have a conference with the student. During this conference, the principal will notify the student of the charges against him/her. If the student denies the charges, the principal will offer the student an explanation of the evidence and an opportunity to present his/her version of events. The principal will keep a record of this informal hearing. The principal will then refer all information regarding the charges to the superintendent or his/her designee.

Notice

The superintendent or designee will send, by regular mail, written notice of the expulsion recommendation to the student and his/her parent/legal guardian. The notice will state the reason(s) for the expulsion recommendation and the time and place where the expulsion recommendation hearing will be conducted. At the hearing, the parent will have the right to legal counsel and to all other regular legal rights. The appropriate redactions and exclusions will be made to the investigative file prior to access as required by the Family Educational Rights and Privacy Act (FERPA). The parent will notify the superintendent at least 24 hours in advance of the hearing if legal counsel will be present.

The written notice will also provide the student and his/her parent/legal guardian with contact details for a legal aid service provider. This is for information purposes only. The district is not responsible for determining a family's eligibility for free legal aid.

Hearing Committee

The hearing will take place within 15 days of the written notification at a time and place designated by the board and a decision will be rendered within 10 days of the hearing. The expulsion recommendation hearing will be conducted by a district hearing officer in a closed hearing. During the hearing, individuals as may have pertinent information will be admitted to the extent necessary to provide such information. Testimony and information

may be presented under oath. However, technical rules of evidence will not be applicable, and the hearing officer may consider and give appropriate weight to such information or evidence he or she deems appropriate.

A sufficient record of the proceedings will be kept to enable a transcript to be prepared in the event either party so requests. Preparation of the transcript will be at the expense of the requesting party. The hearing officer will prepare specific factual findings and issue a written decision within 10 days after the hearing.

Appeal

Within five days after the decision of the hearing officer, the student may appeal the decision to the board. Failure to request an appeal within five days will result in a waiver of the right to appeal, and the hearing officer's decision will become final.

If an appeal is properly requested, the board will review the record concerning the expulsion. The record includes notices and other documents concerning the expulsion, the transcript of the testimony, if any, the hearing exhibits, the findings and recommendation of the hearing officer, the hearing officer's written decision, and other documents concerning the expulsion.

The student may be represented by counsel at the appeal. Representatives of the district and the parent/legal guardian may make brief statements to the board, but no new evidence may be presented unless such evidence was not reasonably discoverable at the time of the hearing. Members of the board may ask questions for purposes of clarification of the record.

The board will make a final determination regarding the expulsion of the student and will provide written notification of its decision within 10 days of the hearing. The board will also inform the student and his parent/guardian of the right to judicial review of its decision.

Should the board reject an administrative recommendation for suspension or expulsion or should a court of final disposition reverse the suspension or expulsion action, the board will excuse all student absences resulting from said action.

Adopted 6/6/83; Revised 10/5/98, 3/4/13, 1/6/25