# Students

## Expulsion Procedures

The Superintendent or designee shall implement expulsion procedures that provide, at a minimum, for the following:

1. Before a student may be expelled, the student and his or her parent(s)/guardian(s) shall be provided a written request to appear at a hearing to determine whether the student should be expelled. The request shall be sent by registered or certified mail, return receipt requested. The request shall:
    a. Include the time, date, and place for the hearing.
    b. Briefly describe what will happen during the hearing.
    c. Detail the specific act of gross disobedience or misconduct resulting in the decision to recommend expulsion.
    d. Inform the student and parent(s)/guardian(s) that a representative of their choice and at their expense is permitted to represent the student throughout the proceedings and to address the Board or its hearing officer.
    e. Inform the student and parent(s)/guardian(s) that a support person of their choice and at their expense is permitted to accompany the student throughout the proceedings.
    f. List the student's prior suspension(s).
    g. State that the School Code allows the School Board to expel a student for a definite period of time not to exceed two calendar years, as determined on a case-by-case basis.
    h. Ask that the student or parent(s)/guardian(s) inform the Superintendent or Board Attorney if the student will appear with a representative and/or support person and, if so, provide the name(s) and contact information for the representative and/or support person.
2. Unless the student and parent(s)/guardian(s) indicate that they do not want a hearing or fail to appear at the designated time and place, the hearing will proceed. It shall be conducted by the Board or a hearing officer appointed by it. If a hearing officer is appointed, he or she shall report to the Board the evidence presented at the hearing and the Board shall take such final action as it finds appropriate.
3. Whenever there is evidence that mental illness may be the cause for the recommended expulsion, the Superintendent or designee shall invite a representative from a local mental health agency to consult with the Board.
4. During the expulsion hearing, the Board or hearing officer shall hear evidence concerning whether the student is guilty of the gross disobedience or misconduct as charged.
    a. School officials must provide: (1) testimony of any other interventions attempted and exhausted or of their determination that no other appropriate and available interventions


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were available for the student, and (2) evidence of the threat or disruption posed by the student.

b. The student and his or her parent(s)/guardian(s) may appear with a representative, be accompanied by a support person, disclose any factor to be considered in mitigation (including his or her status as a parent, expectant parent, or victim of domestic or sexual violence as defined in 105 ILCS 5/26A), offer evidence, present witnesses, cross-examine witnesses who testified, and otherwise present reasons why the student should not be expelled. Any representative and support person must comply with hearing rules and may be prohibited from further participation if they violate the rules or engage in behavior or advocacy that harasses, abuses, or intimidates either party, a witness, or anyone else in attendance at the hearing.

c. If the expulsion hearing involves allegations of sexual violence by the student, neither the student nor the student's representative shall directly question nor have direct contact with the alleged victim. The student or the student's representative may, at the discretion of the Board or its hearing officer, suggest questions to be posed by the Board or its hearing officer to the alleged victim.

5. After presentation of the evidence or receipt of the hearing officer's report, the Board shall decide the issue of guilt and take such action as it finds appropriate.

6. If the Board acts to expel the student, its written expulsion decision shall:

   a. Detail the specific reason why removing the student from his or her learning environment is in the best interest of the school.

   b. Provide a rationale for the specific duration of the recommended expulsion.

   c. Document how school officials determined that all behavioral and disciplinary interventions have been exhausted by specifying which interventions were attempted or whether school officials determined that no other appropriate and available interventions existed for the student.

   d. Document how the student's continuing presence in school would (1) pose a threat to the safety of other students, staff, or members of the school community, or (2) substantially disrupt, impede, or interfere with the operation of the school.

   e. Upon expulsion, the District may refer the student to appropriate and available support services.

LEGAL REF.: Goss v. Lopez, 419 U.S. 565 (1975).
105 ILCS 5/10-20.14, 5/10-22.6.

CROSS REF.: 5:100 (Staff Development Program), 7:130 (Student Rights and Responsibilities), 7:190 (Student Behavior), 7:200 (Suspension Procedures), 7:230 (Misconduct by Students with Disabilities)



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