

5.33 EXPULSION

Expulsion is reserved for extraordinary circumstances, including but not limited to circumstances where a student's conduct posed or continues to pose a danger to the safety and well-being of themselves, other students, school personnel, or any other person lawfully on school property, attending a school function, or on school-provided transportation.

When the Principal determines that an expulsion may be warranted, the student may be removed from class and/or school immediately if the student's presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process. The Principal or his/her designee shall give reasonable notice to the student and the student's parent(s)/guardian(s) of their right to a fair hearing.

At the hearing, the student shall have the right to be represented by counsel or advocate (at the student's/parent's expense), the right to question witnesses against him/her, and the right to present witnesses and other evidence on his/her behalf. The Board's designee shall personally hear and determine the proceeding or may, in his/her discretion, designate a hearing officer to conduct the hearing. The Board's designee or the hearing officer shall be authorized to hear testimony and request documents in conjunction with the proceeding before him/her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the Board's designee. The report of the hearing officer shall be advisory only, and the Board's designee may accept all or any part thereof.

If the parent(s) /guardian(s) are not satisfied with the decision of the Board's designee, they may file a written appeal to the Board of Directors via the Principal within five business days of the date of the decision of the Board's designee. The Board may adopt in whole or in part the decision of its designee and will make its decision based solely upon the record before it.

Provisions for the expulsion of exceptional education students shall be described and set forth in the Code of Student Conduct/Student Handbook; however, the dismissal of an exceptional education student shall not result in a complete cessation of educational services. The ACCEL Day and Evening Academy is responsible for providing the dismissed student's education during the expulsion in accordance with a revised individual education plan (IEP).

5.33.1 STUDENT GRIEVANCES

Whenever an ACCEL Academy student believes that he/she has a complaint, every effort is to be made to arrive at a satisfactory resolution of the problem on an informal basis. When this cannot be done, students can resort to the more formal procedures as provided herein.

Definitions:

- **Complaint** shall mean any alleged violation, misinterpretation or any inequitable application of any published policy, rule or regulation of the school. *Complaint* shall not apply to any matter in which the method of review is prescribed by law. *Complaints* are objections to a specific act or condition.

- **Complainant** shall mean any individual student or parent, directly affected by the alleged misinterpretation or violation, filing a complaint.
- **Faculty/Staff and Administration** shall mean the employees of the ACCEL Board of Directors or representatives under the direct supervision of an employee of the board.
- **Day** shall mean a school/academic day.
- **Time Limits:** The number of days indicated at each level is to be considered the maximum. Time limits may be extended by mutual agreement between the parties.
- **Released Time:** The complaint procedure will normally be carried out during non-instructional time. If, however, the Board elects to carry out provisions during instructional time, the complainant shall not lose academic credit.

Complaint Procedure

- **Informal Discussion:** If a student believes there is a basis for complaint, he/she shall discuss the complaint with his/her principal or the designee of the principal, (except in cases of discrimination or harassment involving the principal or the designee, in which case the complainant shall report to a person designated by the Superintendent) within five (5) days of the occurrence of the alleged violation except in cases involving harassment or discrimination in which thirty (30) days will be allowed.
- **Level One:** The student or parent filing the grievance shall complete the ACCEL Academy Grievance Report (attached and/or in possession of the principal). The report shall be submitted to the principal or his/her designee. The principal or his/her designee shall conduct an investigation in a timely manner. The principal or his/her designee's decision shall be reduced to writing and presented to the student and/or parent. In no event, shall an appeal to Level Two be allowed without the involvement of the principal or his/her designee. The principal or his/her designee shall document his/her involvement with the problem.
- **Level Two:** In the event the problem is not resolved at Level One, the student/parent may file an appeal in writing with the Superintendent by completing the ACCEL Academy Grievance Report (attached and/or in possession of the Superintendent's office). Such appeal shall be presented within ten (10) days of the Level One decision. The Superintendent shall request a conference with the aggrieved or render a written decision within ten (10) days from the receipt of the grievance.
- **Board Appeal:** In the event the problem is not resolved at Level Two, the student/parent may request the Superintendent to schedule a hearing before the Board. The Board shall issue a decision within forty-five (45) days after the hearing. The aggrieved person may select a representative to accompany him/her, may state the facts in written form, and may request a written decision.

Confidentiality will be provided to the extent possible to any student or affected party who requests such, especially in instances of alleged discrimination or harassment.