

Sheridan School District 48J

Code: **JGE**
Adopted: 12/18/96
Readopted: 6/20/12
Orig. Code(s): JGE

Expulsion**

A principal, after reviewing available information, may recommend to the superintendent that a student be expelled. Expulsion of a student cannot be for more than one year.

No student may be expelled without a hearing unless the student's parents or guardians, or the student if 18 years of age, waive the right to a hearing, either in writing or by their failure to appear at a scheduled hearing. By waiving the right to a hearing, the student and parent or guardian agree to abide by the lawful findings of a hearing or review officer.

When an expulsion hearing is not waived, the following procedure is required:

1. Notice will be given to the student and the parent or guardian by personal service¹ or by certified mail² at least 5 days prior to the scheduled hearing.

The notice shall include:

- a. The specific charge or charges;
 - b. The conduct constituting the alleged violation, including the nature of the evidence of the violation and reason for expulsion;
 - c. A recommendation for expulsion;
 - d. The student's right to a hearing;
 - e. When and where the hearing will take place; and
 - f. The right to representation.
2. The Board may expel, or may delegate the authority to decide on the expulsion to the superintendent or designee, who may also act as the hearings officer. The district may contract with an individual who is not employed by the district to serve as the hearings officer. The hearings officer designated by the Board will conduct the hearing and not be associated with the initial actions of the building administrators;
 3. Expulsion hearings will be conducted in private and will not be open to the general public unless the student or the students' parents request an open session;
 4. In case either parent or the student has difficulty understanding the English language or has other serious communication disabilities, the hearing officer will provide a translator;
 5. The student shall be permitted to have a representative present at the hearing to advise and to present arguments. The representative may be an attorney; and/or parent or guardian. The district's attorney may be present;

¹The person serving the notice shall file a return of service. (OAR 581-021-0070)

²When "certified mail is given to a parent or a suspended student, the notice shall be placed in the mail at least five days before the date of the hearing." (OAR 581-021-0070)

6. The student ~~will~~ shall be afforded the right to present his/her version as to the charges events underlying the expulsion recommendation and to introduce evidence by testimony, writings, or other exhibits;
7. The student ~~will~~ shall be permitted to be present and to hear the evidence presented by the district;
8. The hearings officer or the student may record the hearing;
9. Strict rules of evidence shall not apply to the proceedings. However, this shall not limit the hearings officer's control of the hearing;
10. If the Board is conducting the expulsion hearing, the Board may designate the Board chair or a third party as the hearings officer. The hearing officer will determine the facts of each case on the evidence presented at the hearing. Evidence may include the relevant past history and records of the student education records. The hearings officer will provide to the Board, findings of as to the facts, as to the recommended decision and whether the student has committed the alleged conduct will be submitted to the Board, along with the. This will include the hearings officer's recommended decision on disciplinary action if any, including the duration of any expulsion. This material will be available in identical form to th Board, the student if age 18 or over and the students' parents at the same time. Following the review by the Board of the hearings officer's recommendation, the Board will make the final decision regarding expulsion;
11. ~~Findings of fact as to whether the student has committed the alleged conduct will be submitted, along with the officer's decision on disciplinary action if any, including the duration of any expulsion. This decision will be made available to the student and the student's parents or guardians;~~
12. ~~The hearing officer or the student may make a record of the hearing;~~
13. ~~If the decision of the hearing officer is appealed, the Board at its next regular meeting will review the decision of the hearing officer and will affirm, modify or reverse the decision. This decision will be made available to the student and the student's parents or guardians. Parents or guardians of students who wish to appeal the decision of the hearing officer will have the opportunity to be heard at the time the Board reviews the decision;~~ If the Board has delegated authority to the superintendent [or designee] to act as the hearings officer, the superintendent may designate him or herself, or a third party, as the hearings officer. The hearings officer's decision is final. However, a decision of the hearings officer may be appealed by the parent or the student if age 18 or over to the Board for review. If the decision of the hearings officer is appealed to the Board for review, the findings as to the facts and the hearings officer's decision will be submitted to the Board, and will be available in identical form to the Board, the student and the students' parents at the same time. At its next regular or special meeting the Board will review the hearings officer's decision and will affirm, modify or reverse the decision;
14. ~~Expulsion hearings will be conducted in private and~~ A Board review of the hearing officer's decision will be conducted in executive session unless the student or the student's parent or guardian request a public hearing. If an executive session is held by the Board or a private hearing held by the hearings officer, the following will not be made public:
 - a. The name of the minor student;
 - b. The issues involved, including a student's confidential medical record and that student's educational program;

- c. The discussion;
- d. The vote of Board members, which may be taken in executive session **when considering an expulsion.**

Prior to expulsion, the district must propose alternative education programs of instruction or instruction combined with counseling to a student expelled for reasons other than a weapons policy violation. The district must document to the parent or guardian of the student that proposals of alternative programs have been made.

END OF POLICY

Legal Reference(s):

[ORS 192.660](#)
[ORS 332.061](#)
[ORS 336.615 to -336.665](#)

[ORS 339.115](#)
[ORS 339.240](#)
[ORS 339.250](#)

[OAR 581-021-0050 to -0075](#)

Cross Reference(s):

JG - Student Discipline

Corrected 7/16/15