

# PRESS PLUS ISSUE #108 NOVEMBER 2021

## POLICY COMMITTEE MEETING FEBRUARY 18, 2022

LINCOLNWOOD SCHOOL DISTRICT 74 \ SECTION 7 - Students \

### Document Status: Draft Update

#### Students

#### 7:210 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. List the student's prior suspension(s).
  - e. State that the School Code allows the School Board to expel a student for a definite period of time not to exceed 2 calendar years, as determined on a case-by-case basis.
  - f. Ask that the student or parent(s)/guardian(s) or attorney inform the Superintendent or Board Attorney if the student will be represented by an attorney and, if so, the attorney's name and contact information.
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. Whenever there is evidence that mental illness may be the cause for the recommended expulsion, the Superintendent or designee shall invite a representative from [the Illinois Dept. of Human Services a local mental health agency](#), [PRESSPlus1](#), [8001 Lincoln Avenue, Skokie, IL](#) to consult with the Board.
3. 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. School officials must provide: (1) testimony of any other interventions attempted and exhausted or of their determination that no other appropriate and available interventions were available for the student, and (2) evidence of the threat or substantial disruption posed by the student. The student and his or her parent(s)/guardian(s) may be represented by counsel, offer evidence, present witnesses, cross-examine witnesses who testified, and otherwise present reasons why the student should not be expelled. 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.
4. In determining the length of the student's expulsion, the Board shall also consider:
  - a. The egregiousness of the student's conduct;
  - b. The history of the student's past conduct;
  - c. The likelihood that such conduct will affect the delivery of education for other students;
  - d. The severity of the punishment; and
  - e. The student's best interests.
5. 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, as well as the rationale for any suspension that preceded the 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. Document whether available and appropriate support services were offered or provided during the suspension and, if they were not offered or provided, document that none were available.
6. Upon expulsion, the District may refer the student to appropriate and available support services.

LEGAL REF.:

[105 ILCS 5/10-22.6\(a\)](#)

Goss v. Lopez, 95 S.Ct. 729 419 U.S. 565 (1975).

105 ILCS 5/10-20.14, 5/10-22.6.

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

ADOPTED: June 30, 2016

REVISED:

REVIEWED: June 24, 2021

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### **PRESSPlus Comments**

PRESSPlus 1. Updated in response to 105 ILCS 5/10-22.6(c), amended by P.A. 102-539. **Issue 108, November 2021**