

The board may deny a student enrollment, or attendance at any of its schools by expulsion, for the following reasons:

1. The student is habitually truant as defined in Idaho Code §33-206;
2. The student's conduct, in the judgment of the board, is such as to be continuously disruptive of school discipline or of the instructional effectiveness of the school;
3. The student's presence in a public school is detrimental to the health and safety of other students.
4. The student has possessed a deadly or dangerous weapon or firearm on school property;
5. The student has been denied enrollment due to behavior detrimental to the health and safety of other students, disenrolled in lieu of discipline, or expelled from another school in this state or any other state; or
6. The student has a conviction or adjudication for any of the offenses under Idaho Code §20-525A(5), or chapters 9 (assault and battery), 61 (rape), or 66 (sex crimes), title 18, Idaho Code. Parents and legal guardians are required to disclose any such convictions or adjudications to the district. Failure to disclose such convictions and adjudications shall constitute adequate grounds for the district to deny enrollment or attendance to the student.

The district may also deny enrollment or attendance at its schools if the parent or legal guardian fails to furnish, or to request of the out-of-state school from which the student is transferring, school records for a student transferring into the district. The parent or legal guardian of a student transferring from out-of-state to a school in the district is required, if requested, to furnish the district accurate copies of the student's school records, including records containing information concerning violent or disruptive behavior; convictions or adjudications for any of the offenses under Idaho Code §20-525A(5), or chapters 9 (assault and battery), 61 (rape), or 66 (sex crimes), title 18, Idaho Code; or other disciplinary action involving the student.

Any student having been denied enrollment or expelled may be enrolled or readmitted to school by the board upon such reasonable conditions as may be prescribed by the board; but such enrollment or readmission will not prevent the board from subsequently expelling such student for cause.

For purposes of this policy, the terms "possess," "deadly or dangerous weapon," and "firearm" have the same meanings as provided in Idaho Code §18-3302D.

**WEAPONS VIOLATION**

The board will expel from school for a period of no less than one (1) year, twelve (12) calendar months, or may deny enrollment to, a student who has been found to have possessed a firearm on school property in this state or any other state. The board may modify the expulsion or denial of enrollment order on a case-by-case basis when the board determines reasonable conditions apply and the student's presence is not detrimental to the health and safety of other students. An authorized representative of the board will report such student and incident to the appropriate law enforcement agency.

**SPECIAL EDUCATION STUDENTS**

Discipline of students with disabilities will be in accordance with the requirements of Part B of the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act (Section 504) as well as the provisions of this policy.

**DUE PROCESS RIGHTS**

No student will be expelled or denied enrollment without first receiving the following due process rights:

1. The board, through the superintendent or his or her designee, will give written notice to the parent or legal guardian of the student;
2. The notice will state the grounds for the proposed expulsion or denial of enrollment and the time and place where such parent or legal guardian may appear to contest the action of the board to deny school attendance;
3. The notice will also state the right of the student to be represented by counsel, to produce witnesses, and submit evidence on his or her own behalf, and to cross-examine any adult witnesses who may appear against him or her.
4. Within a reasonable period of time following such notification, the board will grant the student and his or her parent or legal guardian a full and fair hearing on the proposed expulsion or denial of enrollment.
5. The board will allow a reasonable period of time between such notification and the holding of such hearing to allow the student and the parent/guardian to prepare their response to the charge.
6. A record of the board's decision will be placed in the student's educational record and in the official records of the board.

The board may decide to expel or deny enrollment of a student in executive session. The student will not be named in the minutes of the meeting.

Any student who was within the age of compulsory attendance at the time of the violation(s), who is expelled or denied enrollment as herein provided, will come under the purview of the Juvenile Corrections Act, and an authorized representative of the board will provide, within five (5) days, written notice of the expulsion to the prosecuting attorney of the county of the student's residence in such form as the court may require under the provisions of the Juvenile Corrections Act.

**LEGAL REFERENCE:**

Idaho Code Sections

33-205 – Denial of School Attendance

33-206 – Habitual Truant Defined

33-209 – Transfer of Student Records – Duties

18-901 *et seq.* – Assault and Battery

18-3302D – Possessing Firearms or Weapons on School Property

18-6101 *et seq.* – Rape

18-6601 *et seq.* – Sex Crimes

20-525A(5) – Expungement of Record (Exclusions)

20-527 – School Trustees to Report Students

Public Law 94-142 (Individuals with Disabilities Education Act)

Section 504 of the Rehabilitation Act of 1973

**CROSS-REFERENCE:**

540 – Maintenance of Orderly Conduct

545 – Disciplining Students with Disabilities (IDEA)

546 – Disciplining Students with Disabilities (Section 504)

**ADOPTED: January 16, 2008**

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