

Pursuant to the guidelines established herein, the Board of Trustees may deny attendance/participation at any of its schools by expulsion of any student who is an habitual truant, or who is incorrigible, or whose 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, or whose presence in the school is detrimental to the health and safety of other students.

Informal Expulsion Hearing

When a student's behavior warrants the recommendation for expulsion by a Principal that student shall typically be suspended from school pending an informal expulsion hearing with the Superintendent. This informal meeting will be between the student, the student's legal guardian, the Superintendent, and the Principal or designee proposing the expulsion. At the informal expulsion hearing, the student shall be orally or in writing advised of the accusation made against the student. At this meeting, the student shall be given the opportunity to respond to the allegations and state the student's position regarding any proposed suspension or expulsion. The Superintendent will then determine whether an expulsion recommendation needs to be made to the District Discipline Referral Committee. If such a recommendation is warranted, then the District Discipline Referral Committee will be convened as outlined.

District Discipline Referral Committee

This policy also provides for a District Discipline Referral Committee (DDRC) to review all Superintendent recommendations for expulsion to submit them to appropriate court officials and authorizes those deemed needed by this committee to be filed for and in behalf of the Board of Trustees.

The District Discipline Referral Committee is the legal arm of the Board of Trustees empowered to conduct formal hearings, for, and in behalf of, the Board of Trustees for students recommended for expulsion. Such committee will be comprised of five members, to wit:

1. A Secondary School Teacher or approved alternate
2. An Elementary School Teacher or approved alternate
3. A School Counselor or approved alternate
4. A Special Services Representative or approved alternate
5. A School Administrator or his/her approved alternate

District Discipline Referral Committee members shall be empowered by the Board of Trustees by official action taken during the course of a regular School Board Meeting. The term of office shall be one year, subject to a second term by Board of Trustee action. A majority of three (3) will be considered a quorum and able to transact any hearing. No committee member shall have been associated with the disciplinary action. If the committee member has been associated with the disciplinary action he/she shall appoint an appropriate designee.

Formal Expulsion Hearing

Any student recommended for expulsion by the Superintendent or designee, upon prior recommendation by the respective building Principal, shall be granted a formal hearing by the District Discipline Referral Committee. After the hearing and when determined by the District Discipline Referral Committee that a student should be recommended for expulsion from the schools of the district pursuant to provisions of Idaho Code 33-205, the Board of Trustees grants by policy its authority for the District Discipline Referral Committee to so notify the student of its determination. Such action by the District Discipline Referral Committee will be reviewed by the Board of Trustees at the next regular or special meeting to assure official notice is placed in the minutes of the Board. The Board of Trustees may accept, reject or modify the Committee's decision.

Provisions

The following provisions govern Expulsion:

1. Upon receiving a request for the expulsion of a student, the Board of Trustees shall immediately give written notice to the parent or guardian of the pupil by registered mail or by direct delivery, return receipt requested, which notice shall state the grounds for the proposed expulsion and the time and place where such parent or guardian may appear to contest the action of the Board to deny school attendance, and which notice shall also state the rights of the pupil to be represented by counsel, to produce witnesses and submit evidence on his/her own behalf, and to cross examine any adult witnesses who may appear against him/her. Such notice shall be substantially in form and content with the attached "notice of proposed expulsion".
2. Within a reasonable period of time following such notification, the Board of Trustees shall grant the student and his/her parents or guardian a full and fair hearing on the proposed expulsion. The Board of Trustees shall allow a reasonable period of time between such notification and the holding of such hearing to allow the student and his/her parents or guardians to prepare their responses to the charge.
3. In the event, after the hearing, the Board of Trustees through its District Discipline Referral Committee decided to expel the student, the District Discipline Referral Committee shall file its recommendation to the Board as per the attached findings, conclusions and recommendation form. The Superintendent shall notify the parents or legal guardian of the student by registered mail, return receipt requested, of the following:
 - a. The Board of Trustees and/or its District Discipline Referral Committee's decision on the expulsion hearing.
 - b. Any further action to be taken by an authorized representative of the Board.
4. In the event, after a full hearing, the Board of Trustees and/or its District Discipline Referral Committee renders a decision not to expel the student, the student may return to school immediately and/or be subject to such probationary terms as may be prescribed by

the Board of Trustees and/or the District Discipline Referral Committee as a condition of the student's return to school.



LEGAL REFERENCE: Idaho Code 33-205, 18-901, 18-903, 18-905, 18-907,
18-1502, 18-2407, 18-6409, 18-7001, 18-7008, 18-7036,
37-2732

ADOPTED: Original Adoption Date Unknown

AMENDED/REVISED: July 20, 1993, February 21, 1995, October 15, 1996, January 19, 1998, August 16, 2000

ATTACHMENTS: “Notice of Proposed Expulsion” & “Sample Hearing Minutes Including Findings, Conclusion and Recommendation Re: Expulsion of Student”

CROSS REFERENCE: Student Discipline 390.00