

# Multnomah Education Service District

Code: **JGE**  
Adopted: 9/20/94  
Readopted: 5/21/13; 10/20/15; 1/21/20;  
**5/16/23**

## Expulsion\*\*

A principal/supervisor, after reviewing available information, may recommend to the Superintendent that a student be expelled.

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

The Board delegates the authority to decide on an expulsion to the superintendent. The superintendent may designate another person to handle the potential expulsion, and the superintendent, a designee or another individual may act as the hearings officer. The MESD may contract with an individual who is not employed by the MESD to serve as the hearings officer. The hearings officer will not be associated with the initial actions of the building administrators. The hearings officer will conduct the hearing and make a final decision regarding the expulsion. 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 student's parents at the same time. At a future meeting, the Board will review the hearings officer's decision and will affirm, modify or reverse the decision.

When a recommendation for an expulsion is made and a hearing is not waived, the following procedure is required:

### Procedure

1. Notice will be given to the student and the parent by personal service<sup>1</sup> or by certified mail<sup>2</sup> at least five days prior to the scheduled hearing. Notice shall include:
  - a. Specific charge or charges and the specific facts that support the charge or charges;
  - ~~b. Conduct constituting the alleged violation, including the nature of the evidence of the violation;~~
  - c. A ~~recommendation~~ statement of the intent to consider the charges as a reason for expulsion;
  - d. Student's right to a hearing;
  - e. When and where the hearing will take place; and

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

<sup>2</sup>When "certified mail is given to a parent of 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)

- f. **The student may be represented by counsel or other persons** ~~Right to representation.~~
2. The Superintendent or designee shall act as hearings officer. MESD may contract with an individual who is not employed by MESD to serve as the hearings officer. The hearings officer shall conduct the hearing and shall not be associated with the initial actions of the principal.
  3. ~~In~~ If the ~~case-the~~ parent, guardian, person in a parental relationship or student ~~have difficulty~~ **does not** understanding the English language ~~or have other serious communication disabilities~~, MESD shall provide ~~an interpreter during the hearing.~~ All communications will be in a manner that is **understandable to the parent, guardian, person in a parental relationship or student.** ~~translator.~~
  4. 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, parent **or other person.** MESD's General Counsel may be present.
  5. The student shall be afforded the right to present their version of the charges and to introduce evidence by testimony, writings or other exhibits.
  6. The student shall be permitted to be present and to hear the evidence presented by MESD.
  7. ~~The hearings officer shall determine the facts of each case based on the evidence presented at the hearing. Evidence may include the relevant past history and students records. Findings of fact as to whether the student has committed the alleged conduct shall be submitted to the Board, along with the officer's decision on disciplinary action, if any, including the duration of any expulsion. This decision shall be available in identical form to the Board, the student and the student's parents or guardians at the same time.~~
  8. The hearings officer or the student may make a recording or record of the hearing.
  9. ~~The hearings officer's decision is final. However, this decision may be appealed to the Board. At its next regular or special meeting the Board shall review the hearings officer's decision and shall affirm, modify or reverse the decision.~~ Parents of students who wish to appeal the hearings officer's decision shall have the opportunity to be heard at the time the Board reviews the decision.
  10. ~~Expulsion hearings shall be conducted in private and~~ **A Board conducted hearing or a** Board review of the hearings officer's decision shall be conducted in executive session unless the student or the student's parent, guardian or person in a parental relationship requests a public hearing. If an executive session is held by the Board or a private hearing by the hearings officer, the following shall not be made public:
    - a. The name of the minor student;
    - b. The issues involved;
    - c. The discussion;
    - d. The vote of Board members, which may be taken in executive session.

Prior to expulsion, ~~MESD must propose alternative programs of instruction or instruction combined with counseling to the student-~~ **for reasons other than a weapons violation, the ESD must notify the student and parents of alternative programs of instruction or instruction combined with counseling and document this**

notification. ~~MESD must document to the parent, guardian or person in a parental relationship of the student that proposals of alternative programs have been made.~~

END OF POLICY

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**Legal Reference(s):**

[ORS 192.660](#)

[ORS 332.061](#)

[ORS 336.615 - 336.665](#)

[ORS 339.115](#)

[ORS 339.240](#)

[ORS 339.250](#)

[ORS 339.260](#)

[OAR 581-021-0050](#)

[OAR 581-021-0070](#)

[OAR 581-021-0071](#)

**MESD Cross Reference:**

JB - Equal Educational Opportunity

JE - Attendance

JEA - Compulsory Attendance\*\*

JFC - Student Conduct

JFCC - Student Conduct on Buses

JFCF - Hazing/Harassment/Intimidation/Bullying/Menacing/Cyberbullying/Teen Dating Violence - Students\*\*

JFCJ - Weapons

JG - Student Discipline

JGB - Detention of Students\*\*

JGD - Suspension\*\*

JGDA/JGEA - Discipline of Students with Disabilities\*\*

JH - Student Welfare

JO/IGBAB - Student Education Records