

Expulsion or Long Term Suspension

Purpose

This policy defines and gives guidelines for the expulsion or suspension of a student.

Scope

This policy applies to the Superintendent, Board of Directors, student representatives, students, parents and any Valley School District staff member involved in the process of expulsion or long term suspension of a student.

Policy

1. Long term suspension or expulsions may be imposed by those designated by the Superintendent only after a fair hearing is made available to the affected students. To safeguard the rights of students, hearings related to expulsion or suspension will adhere to the following:
 2. The hearing shall be conducted before a hearing officer appointed by the Superintendent. Such hearing officer shall not be a witness and shall determine the facts of each case totally on the evidence presented at the hearing. The hearing officer shall state in writing findings as to the facts, conclusions, and the disposition to be made, if any, by way of disciplinary action. The decision shall be provided to the student's legal counsel, or if none, to the student and parents.
 3. Written notice of the hearing shall be delivered to the student and his or her parent or guardian by certified mail or in person. The notice shall specify:
 - (a) The misconduct and the school rules it violates.
 - (b) The recommended punishment.
 - (c) The right to a hearing.
 - (d) That if a written request for hearing is not received by the district employee named in the notice within three (3) school business days after the notice is not received the hearing will be waived and the recommended punishment will take effect.
 - 3.1. If a hearing is requested the Superintendent or his designee shall schedule the matter for hearing within three (3) school business days of such request.
4. Representatives of the students and of the school district shall be permitted to inspect in advance of any such hearing, any affidavits or exhibits which are to be submitted at the hearing. The student shall have the opportunity to be represented by counsel and shall have the opportunity to present his or her version as to the charges and to make such showing by way of affidavits, exhibits, and such witnesses as desired, as well as the opportunity to question witnesses.
5. Either a tape recorded or verbatim record shall be made of the hearings by the school district.
6. If the hearing officer hearing the case imposes a sanction of long term suspension or expulsion the student and his or her parent or guardian shall have three (3) school business

days after receiving the hearing decision to appeal that decision to the Board of Directors. If an appeal is not taken, the sanction decided upon shall take effect at the end of the three (3) day period. If an appeal is taken to the Board of Directors the imposition of the sanction shall be stayed until such appeal is decided. If an appeal is taken by a student or in the case of a minor, his parent or guardian, the Board of Directors shall schedule and hold a meeting to informally review the matter within ten (10) school business days from receipt of such appeal. The purpose of the meeting shall be to meet and confer with the parties in order to decide upon then most appropriate means of disposing the appeal. At that time the student, his or her parent, guardian, or attorney shall be given the right to be heard and shall be granted the opportunity to present such witnesses and testimony as the Board of Directors deem reasonable. Prior to adjournment of the Board, it shall agree to one of the following procedures:

- (a) Study the hearing record or other materials submitted and record its findings within ten (10) school business days.
- (b) Schedule and hold a special meeting to hear further arguments on the case and record its findings within fifteen (15) school business days.
- (c) Hear and try the case before the Board of Directors within ten (10) school business days and in accordance with the hearing procedures provided herein.

6.1. Within thirty (30) days of receipt of the Board of Director's final decision any student, parent, or guardian desiring to appeal from any action upon the part of the Board of Directors regarding suspension or expulsion may serve upon the President of the Board of Directors and file with the Clerk of the Superior Court in the county in which the school district is located a notice of appeal. Such notice shall set forth also in a clear and concise manner the errors complained of.

Related Procedures

N/A

Policy Cross References

4210-Regulation of Dangerous Weapons on School Premises

3240-Student Conduct

3300-Student Discipline

3301-Disciplinary Action

3303-Emergency Expulsion

3304-Readmission Provisions – Expulsions and Suspensions

5233-Teacher's Responsibilities

5234-Teacher's Rights, Responsibilities, and Authority/Student Discipline

Policy Legal References

N/A

Management Resources

N/A

Policy History

Action:	Date:
Approved by the Board	February 17, 2010
Revised	
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