

# North Santiam School District

Code: **JGE**  
Adopted: 8/21/03  
Revised/Readopted: 11/19/15  
Orig. Code(s): JGE

## **Expulsion\*\***

A principal, after reviewing available information, may recommend to the superintendent or designee that a student be expelled.

Students may be expelled for any of the following circumstances: a) when a student's conduct poses a threat to the health or safety of students or employees; b) when other strategies to change the student's behavior have been ineffective, except that expulsion may not be used to address truancy; or c) when required by law. The district shall consider the age of the student and the student's past pattern of behavior prior to imposing the expulsion. The district will ensure careful consideration of the rights and needs of the individual concerned, as well as the best interests of other students and the school program as a whole.

The use of expulsion for discipline of a student in the fifth grade or below, is limited to:

1. Nonaccidental conduct causing serious physical harm to a student or employee;
2. When a school administrator determines, based on the administrator's observation or upon a report from an employee, the student's conduct poses a threat to the health or safety of students or employees; or
3. When the expulsion is required by law.

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

When an expulsion hearing is not waived, the following is required:

1. Notice will be given to the student and the parent/guardian 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. The specific charge or charges;
  - b. The conduct constituting the alleged violation, including the nature of the evidence of the violation and reason for expulsion;

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<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)

- c. A recommendation for expulsion;
  - d. The student's right to a hearing;
  - e. When and where the hearing will take place;
  - f. The right to representation; and
  - g. The right to alternative programs of instruction or instruction combined with counseling for reasons other than a weapons policy violation.
2. The Board may expel, or may delegate the authority to decide on an expulsion to the superintendent or superintendent's designee, who may also act as the hearings officer. The district may contract with an individual who is not employed by the district to serve as the hearings officer. The hearings officer designated by the Board will conduct the hearing and will not be associated with the initial actions of the building administrators;;
  3. Expulsion hearings will be conducted in private and will not be open to the general public unless the student or the student's parents request an open session;
  4. In case the parent or student have difficulty understanding the English language or have other serious communication handicaps, the district will provide a translator;
  5. The student shall be permitted to have representation present at the hearing to advise and to present arguments. The representation may be an attorney and/or parent/guardian. The district's attorney may be present;
  6. The student shall be afforded the right to present his/her version of the events underlying the expulsion recommendation and to introduce evidence by testimony, writings or other exhibits;
  7. The student shall be permitted to be present and to hear the evidence presented by the district;
  8. The hearings officer or the student may record the hearing;
  9. Strict rules of evidence shall not apply to the proceedings. However, this shall not limit the hearings officer's control of the hearing;
  10. The hearings officer will determine the facts of each case on the evidence presented at the hearing. Evidence may include the relevant past history and student education records. The hearings officer will provide findings as to the facts, the recommended decision and whether or not the student has committed the alleged conduct. This will include the hearings officer's recommended decision on disciplinary action, if any, including the duration of any expulsion. This material will be available in identical form to the student if age 18 or over and the students' parents at the same time.

### **Appeal Process**

Within 10 calendar days of the mailing post mark of the hearing officer's decision, the student if over the age of 18 or the parent/guardian may request a superintendent review of the decision by filing a written appeal.

1. The written appeal shall set forth the grounds for the appeal and any argument in support thereof and shall be filed with the Office of the Superintendent at 1155 North Third Avenue, Stayton, Oregon 97383.
2. Failure to file notice of appeal within the allowed 10 day time period constitutes a waiver of the review rights.
3. Upon receipt of the written appeal the superintendent shall be provided the finding of fact, the hearing officer's decision and the student's appeal.
4. The superintendent's review shall be solely on the record without additional testimony or appearances by the student if over the age of 18, the parent/guardian, the student, other students or staff.
5. The superintendent shall affirm, modify or reverse the hearing officer's decision, or may remand the case to the hearing officer for further testimony.
6. Within 10 calendar days of the superintendent's decision, the student if over the age of 18 or the parent/guardian may request a Board review of the decision by filing a written appeal.
7. The written appeal shall set forth the grounds for the appeal and any argument in support thereof and shall be filed with the Board Executive Secretary at 1155 North Third Avenue, Stayton, Oregon 97383.
8. Failure to file notice of appeal within the allowed 10-day time period constitutes a waiver of the review rights.
9. Upon receipt of the written appeal, the findings as to the facts, the hearings officer's decision, and the superintendent's decision will be submitted to the Board for review. These documents will be available in identical form to the student if over the age of 18 or to the parent/guardian who filed the appeal at the same time.
10. A Board review of these materials will be conducted in executive session pursuant to ORS 332.061, unless the student if over the age or 18 or the parent/guardian requests an open meeting. Requests for an open appeal meeting must be made at the time the written appeal form is filed with the superintendent.
11. If an executive session is held by the Board or a private hearing held by the hearings officer, the following will not be made public:
  - a. The name of the minor student;
  - b. The issues involved, including a student's confidential medical record and that student's educational program;
  - c. The discussion;
  - d. The vote of Board members, which may be taken in executive session when considering an expulsion.

12. The Board's decision shall be reduced to writing and a copy mailed to the parent or other person in parental relationship, or to the student if age 18 or over. The Board's decision is final.

END OF POLICY

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**Legal Reference(s):**

[ORS 192.660](#)  
[ORS 332.061](#)  
[ORS 336.615](#) to -336.665

[ORS 339.115](#)  
[ORS 339.240](#)  
[ORS 339.250](#)

[OAR 581-021](#)-0050 to -0075