Lebanon Community Schools

Code: **JGE**
Adopted: 8/20/01
Readopted: 1/20/11, 09/10/15, 3/13/20
Orig. Code(s): JGE

Expulsion**

A principal, after reviewing available information, may recommend to the superintendent that a student be expelled. Expulsion of a student shall not extend beyond one calendar year.

A student may be expelled for any of the following circumstances:

1. When a student's conduct poses a threat to the health or safety of students or employees;

2. When other strategies to change the student's behavior have been ineffective, except that expulsion may not be used to address truancy; or

3. When required by law.

The use of expulsion for discipline of a student in fifth grade or lower 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 observations 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.

The age of the student and the past pattern of behavior will be considered prior to imposing the expulsion.

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 agree to abide by the findings of a hearings officer.

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

1. Notice will be given to the student and the parent by personal service[1] or by certified mail[2] 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;

[1]The person serving the notice shall file a return of service. (OAR 581-021-0070)

[2]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; and
f. The right to representation.

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 students' parents request an open session;

4. In case the parent or student has difficulty understanding the English language or has other serious communication disabilities, 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. The district's attorney may be present;

6. The student shall be afforded the right to present their 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. If the Board is conducting the expulsion hearing, the Board may designate the Board chair or a third party as the hearings officer. 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 to the Board, 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 Board, the student if age 18 or over and the students' parents at the same time. Following the review by the Board of the hearings officer's recommendation, the Board will make the final decision regarding the expulsion;

11. If the Board has delegated authority to the superintendent or designee to act as the hearings officer, the superintendent may designate themself, or a third party, as the hearings officer. The hearings officer's decision is final. However, 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

students' parents at the same time. At its next regular or special meeting the Board will review the hearings officer's decision and will affirm, modify or reverse the decision.

12. A Board review of the hearings officer's decision will be conducted in executive session unless the student or the student's parent requests a public hearing. 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 records;
    c. The discussion;
    d. The vote of Board members, which may be taken in executive session when considering an expulsion.

Prior to expulsion, the district must propose alternative programs of instruction or instruction combined with counseling to a student subject to expulsion for reasons other than a weapons policy violation. The district must document to the parent of the student that proposals of alternative education programs have been made.

END OF POLICY

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 021-0075

House Bill 2514 (2019)