

## EXPULSION

The following procedures shall be used when the Board elects to hold an expulsion hearing based upon the recommendations of the building administration and Director of Student & At-Risk Services.

1. The Director of Student & At-Risk Services or Director of Special Education shall give notice of the hearing by certified mail or by hand delivery to the student and the student's parent, guardian or legal custodian.
  - A. Such notice shall be mailed at least five (5) calendar days prior to the hearing except:
    1. When the event occurred during the last seven (7) days of a school semester or within five (5) days of the next scheduled meeting of the Board of Education.
    2. In the event of such exception, the notice shall be hand delivered at as early a time as possible, but in no event shall a hearing be held with less than forty-eight (48) hours notice.
  - B. Such notice shall contain:
    1. The name of the parent, guardian or legal custodian.
    2. The name of the student whose expulsion is to be considered.
    3. The fact that expulsion is being considered and a brief explanation of the effect of an expulsion.
    4. The policy or rule allegedly violated or other cause of the possible expulsion.
    5. A statement/summary of the evidence the administration has to support the charges in the form of copies of material sent to the Director of Student & At-Risk Services or Director of Special Education by the building administrator.
    6. Copies of all material that will be presented to the Board (if it is intended to consider matters of attendance, past behavior, grades, etc., copies of these records shall be sent with the notice).
    7. A copy of the District's Student Conduct Code and expulsion procedure.
    8. The time and place of the hearing.
    9. The session will be closed unless the student or parent, guardian or legal custodian requests that it be open. If the session is to be open, the parent, guardian or legal custodian must release all relevant confidential information concerning the student.

10. A brief summary of how the hearing will be conducted, pointing out that the student and parent, guardian or legal custodian will be given a chance to be heard.
  11. A request that the student, the parent, guardian or legal custodian and an attorney, if desired, may be present.
  12. Notice that the student may appeal any adverse decision to the Department of Education.
  13. A list of the names of the witnesses and an oral or written report of the facts to which each witness will testify.
2. The hearing will be held as soon as possible following the incident causing the hearing, so the student, if suspended pending the hearing, will miss as little school as possible. Consideration must be given to the availability of Board of Education and the notice requirements. The hearing shall be held at a time of day when the Board can convene and the student and parent, guardian, or legal custodian are available.
  3. At the hearing, the student may be accompanied by the student's parent, guardian, or legal custodian, an attorney of his/her choice, if desired, and a person of their choosing. They shall be present at all times when evidence is presented, but not during Board deliberations.
  4. The student shall have the right to have evidentiary portion of the hearings recorded, but not the Board's deliberation, by a Certified Court Reporter, at the student's expense.
  5. The hearing shall be conducted in closed session as follows:
    - A. If more than one (1) student was allegedly involved in the incident causing the hearing, the hearings may be combined provided:
      1. The hearing of any student who objects to combining hearings shall be held following the combined hearing or if more than one objects, the individual hearings shall be held in order determined by lot; and
      2. No confidential information shall, without consent, be made known to other students. To accomplish this, it may be necessary to hold separate consequence hearings.
    - B. The hearing shall be in two separate parts (unless combined with the student's permission):
      1. First, a hearing to determine if the student is guilty of violating the policy/regulation; and

2. Secondly, a hearing to determine the consequences to be administered.
  3. In the first part (the hearing to determine if the student is guilty of violating the policy/regulation), the Board may only consider evidence relevant to verification of the offense, but in the consequences hearing, any matter concerning the student may be considered, providing the student is provided a copy of anything to be considered.
- C. The hearing to determine if the student is guilty of violating the policy/regulation shall proceed as follows:
1. Personnel from the school involved shall present the facts as they understand them and may call witnesses or present testimony by affidavit.
  2. The student and Board may question school personnel or witnesses.
  3. The student, parent, guardian or legal custodian, and any other witness desired by the student may give such evidence or explanation the student desires. Such evidence or explanation may be by affidavit.
  4. The school personnel and Board may question the student, parent, guardian or legal custodian, or any witness on behalf of the student.
  5. Both the administration and the student shall have an opportunity to rebut evidence presented by the other, provided that can be done without a continuance.
  6. Both the administration and the student will be allowed to make a summary to the Board with the administration making its presentation first.
6. Deliberations
- A. After closing statements, the Board with or without the student present, shall determine whether the violation has been verified. If it is determined that the student was not guilty of the violation, hearing shall cease and the student, if out of school, shall immediately be returned to school.
    1. An attorney hired by the Board may not both present evidence and advise the Board.
    2. Only the Board shall deliberate and decide the Issue. However, the Board Secretary may be present.
  - B. If it is determined that the student is guilty of the violation, the Board shall proceed to the consequences hearing in substantially the same manner as the hearing to determine if the student is guilty of violating the policy/regulation.

C. At the conclusion of the Board's deliberation, the Board shall reconvene in open session. The decision to expel shall be based exclusively on the testimony and other material presented at the hearing. An expulsion can only be voted on in open session.

7. The decision of the Board may be appealed to the Department of Education.
8. The Board shall determine the appropriate action which may be expulsion or any lesser consequence. If the student is expelled, the Board shall determine the length of the expulsion and the terms of readmission.

Legal Ref.: Goss v. Lopez, 419 U.S. 565 (1975).  
Wood v. Strickland, 420 U.S. 308 (1975).  
Southeast Warren Comm. School District v. Dept. of Public Instruction, 285 N.W.2d 173 (Iowa 1979).  
Iowa Code §§ 21.5; 282.3, .4, .5.  
281 I.A.C. 12.3(6).

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