

EXPULSION OF STUDENTS-GUIDELINES

The following steps constitute general guidelines for the conduct of an expulsion hearing. The guidelines may be adjusted to meet the flexible requirements of due process on a case-by-base basis.

Procedure for Conduct of Board Hearing to Expel

- A. Any discussion, consideration or hearing by the School Board of suspension or expulsion of a student shall be in executive session.
- B. The Board shall be in a public meeting and vote to enter executive session. Executive session requires a 3/5 affirmative vote of the members present and voting, and the vote must be recorded.
- C. The parents/guardians, the student and legal counsel (if any) must be present for the hearing, except that the hearing may go forward if the parents/guardians and student (if 18 years of age or older) have been provided prior written notice and failed to appear for the hearing.

Executive Session

I. GENERAL RULES OF CONDUCT

- A. The hearing officer (Board Chair/designee or Board attorney) will conduct the hearing.
- B. Witnesses shall be sequestered in response to a request by either party.
- C. The hearing officer will state “no irrelevant or repetitious evidence will be allowed and no debate between the parties will be allowed.”
- D. The hearing officer will state that “all parties are expected to maintain the confidentiality of the proceeding.”
- E. The School Board and student (at his/her own expense) may be represented by legal counsel through each stage of the process.

II. PROCEDURES

- A. The hearing officer will state for the record:
 - Date of this hearing;
 - Place of hearing;
 - Time of hearing;
 - Name of student;
 - Those in attendance for the administration;
 - Those in attendance for the student; and
 - Those in attendance for the School Board.

- B. The hearing officer will request from the Superintendent a copy of the hearing notice, read the hearing notice to the School Board and include the notice in the record. If no person appears at the hearing on behalf of the parents/guardians or student, the hearing officer will request that the Superintendent confirm that the parents/guardians and student (if age 18 or older) were provided notice of the hearing.

- C. The Superintendent of designee, hereafter called “the administration,” will make an opening statement that includes an overview of the evidence, his/her recommendation, the reason(s) for the recommendation, and the legal basis for the recommended expulsion.

- D. The hearing officer will inform the student and parents/guardians of their rights:
 - 1. To hear the evidence;
 - 2. To cross examine witnesses; and
 - 3. To present witnesses and offer other relevant evidence.

- E. The hearing officer will ask if any member of the Board finds him/herself in a possible conflict of interest situation because he/she knows the student or parents/guardians to such an extent, or has knowledge of the facts to such an extent, that he/she could not impartially hear the facts and decide the issue on its merits.

- F. All witnesses shall be sworn in by the hearing officer. Each witness raises his/her right hand and is asked, “Do you solemnly affirm to tell the truth, the whole truth and nothing but the truth?”

- G. The administration calls its witnesses.
- H. After each witness has answered all questions put by the administration, then the student/designee (hereinafter, the student) may cross examine. This should be limited to questions and not arguments with the witness.
- I. The administration may ask rebuttal questions after the student finishes questioning.
- J. Members of the Board may ask questions at the conclusion of the rebuttal.
- K. The student may then call his/her own witnesses to testify, and the student may testify. All witnesses will be sworn. The administration may cross examine. The student may ask rebuttal questions. After the rebuttal questions, the Board may ask questions.
- L. When all the student's witnesses have completed testimony (including the student), the administration may call additional rebuttal witnesses who may be cross examined.
- M. At the end of the testimony, the administration shall make a statement which should include its recommendations. The same may then be done by/for the student.
- N. The Board should then deliberate in executive session. The Superintendent, Board attorney, administration, the student charged, his/her parents/guardians, and the student's legal counsel may remain for deliberations. If the student and representatives elect not to be present during deliberations, the administration will also be excluded from deliberations, except that the Superintendent may remain to provide guidance to the Board if he/she was not directly involved in the investigation/presentation of evidence.
- O. The Board shall discuss whether the charges are more likely than not supported by the evidence presented. The Board may discuss and/or draft proposed finding of fact(s) concerning the charges prior to leaving the executive session.
- P. The Board shall then leave executive session.

III. PUBLIC SESSIONS

- A. In public sessions, a member of the Board may make a motion to “expel a student and direct the Superintendent to provide the student and his/her parents/guardians with the Board’s finding of fact(s).” Following a second, the Board Chair should state the motion and the Board should vote. If no motion is made to expel, the student will return to school at the conclusion of the previously-imposed administrative suspension.

- B. The Superintendent is responsible for notifying the parents/guardians (and the student if age 18 or older) of the Board’s decision. If the student has been expelled, the Superintendent will also provide notice of the conditions, if any were given at that time, for Board consideration of readmission.

Cross Reference: MSAD#8 Student Parent Handbook

Adopted: 1-19-09