

EXPULSION

The authority to expel a student from the Ozark City School System shall be retained by the Ozark City School Board. The Board may expel a student from school when in its judgment a student has engaged in a serious rule violation.

The following procedures shall be observed in the expulsion of a student:

Immediately following an incident, the Principal of the affected school shall conduct an inquiry and investigation to determine the facts and the student(s) involved and the degree of their involvement. Once sufficient facts have been developed, and the Principal determines the identity of the student(s) involved and the fact that school rules have been violated, the Principal, with the verbal consent of the Superintendent of the School System, is authorized to place the student(s) on out-of-school suspension for a maximum of 10 school days:

~~Prior to placing a student on out-of-school suspension, the Principal shall afford the student with informal due process, which shall include: (1) notice, either oral or written, of the charges against him/her, and, if the charges are denied, also (2) an explanation of the evidence that the school officials have and (3) afford the student an opportunity to present his/her side of the story. At this time, the student is not entitled to have an attorney present, or to cross examine witnesses. At the conclusion of the informal due process hearing, the Principal shall inform the student of the suspension and the terms thereof. Upon suspension of a student, the Notice of Suspension form will be completed and a copy provided to the student upon leaving the school campus. In addition, the parent/guardian of the student will be contacted as soon as practicable and informed of the incident and the suspension. As soon as practicable, the parent/guardian shall be personally served with a copy of the suspension form, or in the alternative, a copy will be mailed by certified mail to their address of record.~~

Once the suspension process has been initiated, if the Principal determines that expulsion of the student is in the best interest of the school system, the good of the other students within the system, and the maintaining of order within the school, the Principal shall confer with the Superintendent and recommend expulsion. The Superintendent shall review the facts of the incident, the history of the student and other surrounding circumstances and make a determination as to whether an expulsion is warranted. If the Superintendent is of the opinion that expulsion is not warranted, then the suspension of the student may be continued for the remainder of the suspension period, or modified as the Superintendent may determine. In the event that the Superintendent concurs with the Principal that expulsion is warranted, then the Superintendent shall make arrangements with the Board for the date and time of a due process hearing and complete the Notice of Expulsion Proceedings Form and a detailed statement of the due process rights of the parties. The notices shall be personally delivered to the parent/guardian of the student (in the event the student is age 16 or older, then a copy shall also be served on the student), or in the alternative, the notices may be sent by certified mail to the address of record of the parent/guardian or student. The Notices of Expulsion and due process rights shall be provided to the parent/guardian no less than 5 business days prior to the hearing. A list of witnesses and their expected testimony and other documentary evidence shall be made available to the student and parent/guardian or attorney prior to the hearing

if requested. The student or parent/guardian shall have the right to employ an attorney at their own expense to represent them at the expulsion hearing. Non lawyer representatives may be allowed in the discretion of the Board.

The expulsion hearing shall be held before the Ozark City School Board, with a quorum of members present, and presided over by the Chairperson of the Board, or in his/her absence, then by such member as the Chairperson designates. In the event a quorum of the Board is not present, those in attendance may reschedule the hearing for another date and time with re-notice to be served upon the parties. The rules of evidence of state and federal courts shall not apply and hearsay may be received. The Superintendent, or in his/her absence, such school administrative official as the Superintendent shall designate, with the assistance of the Board attorney, shall prosecute the case before the Board. At the beginning of the hearing, or at any other time, the hearing shall be closed to the public if requested by the student or the parent/guardian in order to protect the confidentiality of the student and student records and other student witnesses.

The Board shall allow the Superintendent, or designee, to call witnesses and present testimony and evidence relevant to the incident(s), the violation of school rules and the history of the student or any other relevant matters in support of the expulsion. Thereafter, the student and parent/guardian, or their attorney, shall have the right to present matters relevant to their defense, which shall include the right to testify, present and question witnesses, introduce exhibits and address the Board. At the conclusion of the presentation of evidence, the Superintendent shall make a final recommendation to the Board of the formal action which he/she deems appropriate and just. The Board shall then retire for closed deliberations and may, if additional information is needed, reconvene for additional proceedings. The Board may decide to uphold the expulsion, and if so, the student shall be expelled from the Ozark School System. The confirmation of expulsion shall set forth the terms of the expulsion. The Board may also decide that expulsion is not warranted and may reverse the recommendation of the Superintendent and Principal. In the event that the Board's decision is to decline expulsion, then the Board shall have the right to fashion such lesser discipline, or none at all, as it deems appropriate. Notice of all decisions of the Board shall be provided to the interested parties as soon as practicable.

In the event a student is expelled from the Ozark City School System, he/she: (1) shall be entitled to only such academic credits as were available prior to the expulsion; (2) cannot request or makeup work; (3) may not participate in extra-curricular or other school activities; (4) cannot attend school functions except those open to the public with the payment of a fee such as sporting events; and (5) cannot enter upon any school campus in the Ozark City School System. The expulsion of a student is permanent and final, however, expelled students may petition the Board for re-admission no sooner than the beginning of the next semester after a one year period from the date of the expulsion, which the Board may grant solely in its discretion.

In the event, the student or parent/guardian alleges that the student's rights are improperly denied or infringed in the expulsion proceedings, then the Juvenile Court of Dale County shall have original jurisdiction over such matters pursuant to Sec. 12-15-30(c)(2), *Code of Alabama*. Any petition for review to the Juvenile Court of Dale County must be filed within a reasonable time after the final ruling of expulsion by the School Board but no later than 14 days after notice of the Board's

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decision is served upon the student or parent/guardian.

Expulsion - SPE Students

Prior to the expulsion of a special education student, said student's IEP shall be reviewed to determine if expulsion is appropriate based on the IEP disciplinary plan and if the student's behavior warranting expulsion is related to the disability.

In the event it is determined that the student's behavior is not related to the disability and the IEP disciplinary plan specifies expulsion as appropriate, the student shall be treated as any other student and expulsion may be used as a disciplinary measure. In such case, an alternative educational placement is required. Should it be determined that the disability is related to the student's behavior or, upon reviewing the IEP disciplinary plan, it is determined that the IEP does not specify expulsion as appropriate, then expulsion shall not be imposed on the student without convening the IEP committee to reconsider and approve or disapprove the use of expulsion as a discipline measure.

ADOPTED BY THE OZARK CITY BOARD OF EDUCATION

DATE: _____



**1044 East Andrews Avenue
Ozark, Alabama 36360
Phone: 334-774-5197 Fax: 334-774-2685**

Re-admittance after expulsion requires a hearing
before the School Board.

Information needed to request admittance –
After expulsion for a calendar year.

1. Written letter of request

The Superintendent makes a recommendation to the School Board based on student information from the date of expulsion to the date of request.

The letter should explain why the student desires to re-enroll, any evidence of positive activities that the student has participated in during the last year, and why the School Board should consider ending the expulsion.

Please attach the following to the letter of request:

2. Verification of residency

Evidence of school or program attendance during the period of expulsion (if applicable).

3. Grades (if applicable)

4. Attendance (if applicable)

5. Discipline records (if applicable)

6. Counseling and/or other services

7. Community service

8. Letters of recommendation/support – 3 or more letters from non-family members and /or agencies.

Please submit the above information to the Ozark City Board of Education,
Attention: Sheila McLeod.