Seaside School District 10

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.

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 or guardian agree to abide by the findings of a hearings officer.

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

1.   The student is notified in writing of the specific charge or charges, when and where the hearing will take place, and their right to be represented;

2.   A notice will be sent to the parent or guardian by certified mail and also by the regular mail, citing the charge or charges, and the specific acts that support the charge or charges. The notice will state a recommendation of either expulsion or suspension pending investigation for possible expulsion, when a hearing will take place, and the student's right to representation. This written notice will be mailed at least five days prior to the hearing;

3.   The superintendent or designated representative will act as the hearings officer and will maintain control over and conduct the hearing. In case of foreign language differences, or other serious communication handicaps, the hearings officer shall provide a translator;

4.   The student will be permitted to have a representative present at the hearing to advise and represent them. The representative may be an attorney, parent or guardian. Parents or guardians may attend the hearing;

5.   The student will be afforded the right to present his/her version as to charges and to make such showing by way of oral testimony, affidavits or exhibits;

6.   The student will be permitted to hear the evidence presented against him/her;

7.   The hearings officer will determine the facts of each case on the evidence presented at the hearing. This may include the relevant past history and records of the student. He/she will submit to the Board his/her decision of disciplinary action, if any, including the duration of any expulsion. The above decision will be made available in identical form and at the same time to the Board and the student and his/her parents or guardian;

8. Strict rules of evidence will not apply to the proceedings. However, this provision will not limit the hearing officer's control of the hearing;

9. The hearings officer or the accused may make a record of the hearing;

10. The hearings officer's decision is final. However, this decision may be appealed to the Board. At its next regular or special meeting the Board will review the hearings officer's decision and will affirm, modify or reverse the decision. Parents of students who wish to appeal the hearings officer's decision will have the opportunity to be heard at the time the Board reviews the decision;

11. Expulsion hearings will be conducted in private and 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 by the hearings officer, the following will not be made public:

    a. The name of the minor student;
    b. The issues involved;
    c. The discussion;
    d. The vote of Board members, which may be taken in executive session.

In the case of expulsion, the District must propose alternative programs of instruction to a student expelled for reasons other than a weapons policy violation. The District must document to the parent or guardian of the student that proposals of alternative programs have been made.

END OF POLICY

Legal Reference(s):

ORS 192.660	OAR 581-021-0050
ORS 332.061	OAR 581-021-0070
ORS 336.615 - 336.665	
ORS 339.115	
ORS 339.240	
ORS 339.250	
ORS 339.260	