

## Expulsion Procedures

Expulsion denies the student attendance at school and school activities in any district school. Expulsion may be for any length of time up to one calendar year. The district may deny enrollment to a student who has been expelled by another district. The district shall deny enrollment to a student who has been expelled from another district because of firearm or dangerous weapons possession. The student(s) up for expulsion is expected to attend the expulsion hearing.

Authority to expel is delegated by the Board to a hearings officer, who shall be the superintendent or designee. A student may not be expelled without a hearing unless:

- a. After notice of the place and time set for the hearing, neither parent nor student appears, or the student, if 18 years of age or older, fails to appear; or
- b. The parent or the student, if 18 years of age or older, waives in writing the right to a hearing. The district shall provide notification to students and parents of the availability of appropriate and accessible alternative programs when the district is considering expulsion, or a student is expelled (OAR 581-021-0071(2)).

The principal or assistant principal may request that the superintendent or designee expel a student from the schools of the district for serious misconduct. The principal or assistant principal shall submit to the superintendent or designee the written request for expulsion, which shall include:

- 1) The specific charge or charges being made against the student supported by all available facts and evidence;
- 2) The names of the person(s) so charging the student;
- 3) The recommended length of expulsion.

Upon receipt of a request for expulsion, the superintendent or designee shall:

- a. Establish a date, time and place for a hearing;
- b. Notify the student and the parent in writing by personal service or certified mail of the hearing. The period of time from when the notice is mailed or given by personal service until the date of the hearing shall be at least five days. Parent(s) wishing to expedite the process may request a waiver of the five-day notice. Where notice is given by personal service, the person giving the notice shall file a return of service;
- c. The notice shall contain:
  - 1) The specific charge or charges against the student, and the facts supporting the charges and that it is intended to consider the charges as reason for expulsion;
  - 2) The name of the person making the charge;
  - 3) A statement that the student and the parent have a right to be represented by another person, including legal counsel;
  - 4) The date, time and place of the hearing and a statement that the student or parent may request a change in date, time or place of the hearing by contacting the hearing officer at least one school day before the scheduled hearing;
  - 5) The name, school district address and telephone number of the superintendent or designee;

- 6) A statement to the student and parent that if they fail to attend the hearing and have not requested a change in the date, time or place, the hearing will be held without them, or may be considered a waiver of the hearing;
- 7) If deemed appropriate by the superintendent or designee, a statement that the student is suspended until the hearing is held and the decision is rendered.

The superintendent or designee shall function as the expulsion hearings officer. Where the student or the student's parents cannot understand the spoken English language, an interpreter is required to be provided by the district. A student may be represented by legal counsel or other persons.

At the hearing the following shall occur:

- a. The hearings officer or the student may make a record of the hearing;
- b. The hearings officer shall not be bound by strict rules of evidence;
- c. The student and parent and their representative shall hear and/or read the charge or charges against the student. The principal or assistant principal or designee shall present the evidence supporting the charges and all other relevant student data, i.e., discipline and attendance history, academic record;
- d. The student and parent and their representative shall hear and/or read the evidence supporting the charges;
- e. The student and parent and their representative may introduce evidence by testimony, writings, or other exhibits.

The superintendent or designee shall render a decision based upon the evidence presented in the hearing and any additional investigation by the hearings officer, as necessary. The superintendent or designee shall state the decision in writing in identical form to the student and parent, their representative (if any), and principal or assistant principal requesting the expulsion, within five business days following the close of the hearing. The statement of recommendation shall include:

- a. That the student and/or parent have the right upon appeal to a Board review of the decision;
- b. The findings as to the facts, whether or not the student is guilty of the conduct alleged, and the decision.

The decision of the superintendent or designee shall be final unless the student and/or parent appeal the superintendent's decision to the Board by filing a written appeal within five business days of the hearings officer's decision. The Board shall thereupon review the expulsion decision at its next regular or special meeting. The Board shall be provided the findings as to the facts and the decision of the hearings officer. The material provided to the Board will include the date, place and time of the meeting when the Board will consider the appeal.

When the Board meets to consider the appeal, the Board shall review the following:

- a. The charges against the student;
- b. The findings of fact and the decision of the hearings officer;
- c. Any additional information the Board may request.

The Board may postpone its decision if it decides to call for additional evidence.

When appealed, the Board will affirm, modify, or deny the decision of the superintendent. The Board's review shall be closed in executive session unless otherwise requested by the student or the student's parent. If an executive session is held, the name of the student, the issues involved, including a student's confidential medical record and that student's educational program, the discussion or the Board members' vote on the issue (which may be taken in executive session when considering an expulsion) shall not be made public.

A written statement of the Board's decision shall be sent by certified mail to the student and the parent within five days after the Board's decision. The decision of the Board shall be final.

END OF POLICY

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**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 -0075](#)  
House Bill 2514 (2019)

**Cross Reference(s):**

JG - Student Discipline