

EXPULSION REGULATION

School Board Action

1. School Board expulsion for lengthy periods of time is strong action and should be used sparingly.
2. Upon the recommendation of the Superintendent or the Superintendent's designee, the School Board of Directors may expel a student for commission of gross or repeated infractions of school rules, or when the presence of the student is detrimental to the best interests of the school.
3. A School Board decision to expel must be made by an absolute majority of the School Board and not merely a majority of those in attendance. The vote shall be by roll call.
4. The Superintendent, student or their representative may request the hearing before the School Board be held in closed session. After due consideration, the School Board may determine by an affirmative roll call vote of two-thirds (2/3) of its members present that the matter before it involving the possible expulsion of the student is an exceptional reason so compelling as to override the general public policy in favor of public meetings, and hold the hearing in closed session. The student, their parents and their representative may be present. A vote taken on the issue of whether to expel a student shall be in open public meeting and shall be by roll call vote.
5. Hearing Procedure
 - A. A student may be temporarily dismissed (suspended) by a Principal/designee, or Superintendent for the conduct for which the student's expulsion is being considered. Such temporary dismissal shall be imposed in accordance with the usual procedure for temporary dismissal as described in these rules. If the Superintendent determines it is in the best interests of the school, or necessary for the orderly operation of the school, the Superintendent may continue the period of dismissal pending the hearing on expulsion, but in no case shall the total period of temporary dismissal exceed a total of 10 school days unless due to extraordinary circumstances determined by the Superintendent. A written statement of the alleged misconduct given as grounds for the proposed School Board expulsion will be given to the student's parents or legal guardians at least five (5) calendar days before the hearing. Such statement will include the names of those school officials and teachers having knowledge of the reasons for the proposed School Board expulsion. The written statement will be accompanied by a copy of the School Board policy and rules pertaining to procedures for School Board expulsion of students.
 - B. A written notice of the date, time, and place of the hearing will be given to the student's parents or legal guardians at least three (3) days before the hearing. This provision may be waived by written agreement of the parties.
 - C. If the parents or legal guardians of a student cannot be notified, or cannot be present at the hearing because of extenuating circumstances, and request a postponement, the School Board shall postpone the hearing until the parents or legal guardians are notified and available to be present. Such request for postponement should be made at least forty-eight hours prior to the scheduled hearing time.

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- D. If the student has reached the age 18 at the time the alleged acts took place, the student is then authorized to make decisions, sign documents and obtain representation on his own behalf and may elect to be represented by their parents or guardian. However, notice shall also be given to the parents as outlined above unless the student shows that they are no longer dependent upon or residing with their parents and does not want them notified.
- E. If the student, the student's parents, guardian, or representative do not request postponement for cause, and are not present at the time and place scheduled in the hearing notice, the hearing shall proceed without them. In such an event, the record will show a factual determination by the School Board that sufficient and proper notice was given the parties and no postponement was requested.
- F. Permission will be granted for the appearance of counsel or other representation.
- G. The opportunity will be granted prior to the hearing, for the student or his representative to examine copies of documents to be used as evidence. Permission will be granted for the student or their representative to discuss the matter with administrators, teachers and other witnesses at times which will not be disruptive.
- H. The superintendent or the superintendent's designee shall present evidence in behalf of their recommendation. An attorney hired by the School Board may not present evidence and at the same time advise the School Board.
- I. Witnesses at the hearing, or persons whose testimony has been submitted in written form, if available, shall be subject to cross-examination by any party as is necessary for a full and true disclosure of the facts.
- J. The opportunity will be granted for the student or their counsel to present the student's version or refutation of the allegations through documents and witnesses. If the student refuses to testify, the student shall not be punished for refusal to testify, nor shall such refusal in any way be construed as an indication of guilt.
- K. The School Board's decision will be based solely upon evidence introduced at the hearing.
- L. Within (10) calendar days of the hearing the School Board will mail or have delivered to the student and their counsel a written statement of the School Board's decision and the factual basis for it.
- M. A verbatim record of the hearing shall be made by mechanized means or shorthand reporter. Such record shall be kept by the district for a minimum of one year and shall be made available to the student or their representative upon request and at a reasonable cost.
- N. Nothing contained in paragraphs A through M shall prevent the immediate School Board suspension of a student when the student's continued presence on the school grounds would endanger their safety or well-being, the safety or well-being of other members of the school community or substantially interfere with the proper functioning of the school. In the instance of an immediate School Board suspension, a hearing will be held within ten (10) days to determine future action of the School Board. Such a hearing will be conducted in the spirit of due process envisioned in paragraphs A through M.

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6. Conditions for Readmission

- A. The School Board may consider, and by majority vote of those present, grant readmission to a student expelled by School Board action at any time and upon any condition it may determine.

7. A decision may be appealed under Chapter 290, Code of Iowa.

Notice to Educational Community

1. Rules regarding the expulsion of students shall be published on a regular basis in appropriate school publications.
2. Copies of the rules regarding the expulsion of students shall be maintained in each attendance center of the school district and shall be distributed upon request at no cost.

Cross Reference:

502 Student Rights and Responsibilities
503 Student Discipline

Legal Reference:

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 (2007).
281 I.A.C. 12.3(8).

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