

Student Expulsion

Students may be expelled for violations of Board policy, school rules or the law. The long-term removal of a student from the school environment, which includes, but is not limited to, classes and activities, is an expulsion from school. It is within the discretion of the Board to discipline a student by using an expulsion for a single offense or for a series of offenses depending on the nature of the offense and the circumstances surrounding the offense.

It is within the discretion of the superintendent to recommend to the Board the expulsion of a student for disciplinary purposes. Only the Board may take action to expel a student and to readmit the student. The building administrator will keep records of expulsions in addition to the Board's records.

When a student is recommended for expulsion, the student will be provided with:

1. Notice of the reasons for the proposed expulsion written with sufficient specificity to enable the student to prepare a defense;
2. Notice of the date, time, and place of the expulsion hearing sufficiently in advance of the hearing to enable the student to obtain the assistance of counsel and to prepare a defense;
3. Notice that the student is entitled to a closed hearing unless an open hearing is specifically requested;
4. The names of the witnesses the superintendent will present, if available and a statement of the facts to which each witness will testify;
5. Notice that the student will be given an opportunity to present a defense against the charges; to provide either oral testimony or written affidavits of witnesses; to present documents; to be given copies of documents which will be introduced by the administration, and to cross-examine adverse witnesses, if available and if appropriate; and
6. Notice that the student has the right to be represented by counsel.

At the hearing, the student will have all the rights given in the notice and may give an opening and closing statement in addition to calling witnesses and cross-examining adverse witnesses. The Board hearing the expulsion matter must be impartial, have no prior involvement in the situation, have no stake in the outcome, and have no personal bias or prejudice.

After the Board has heard the expulsion matter, it shall go into deliberations. No one who advocated a position at the hearing of the matter should be present during the Board's deliberations unless the other party or parties are also permitted to attend deliberations. The student has a right to a decision based solely on the evidence presented at hearing. There must be an adequate factual basis for the Board's decision. A preponderance of the evidence standard is sufficient to find the student violated the rule or policy at issue. Following the Board's deliberations, the Board shall reconvene in open session and render its decision on the superintendent's recommendation for expulsion. The student is entitled to a written decision setting out the Board's findings and conclusions as to the charges and the penalty.

In addition to these procedures, a special education student must be provided with additional procedures. A determination should be made of whether the student has actually participated in the misconduct. A staffing team should determine whether the student's behavior is caused by the student's disability and whether the conduct is the result of inappropriate placement.

If the special education student's conduct is not caused by the disability, the student may be expelled or suspended for a long-term period following written notice to the parent and pursuant to the District's expulsion hearing procedures. If the misconduct is caused by the disability and a change in placement is recommended, the change must be made pursuant to the placement procedures used by the District. If a change in placement is not recommended, a determination shall be made within the student's IEP and the law as to how to manage the student's behavior to prevent the student's possible future misconduct.

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
281 I.A.C. 12.3(8)

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