



# PORTLAND PUBLIC SCHOOLS

Telephone:

Re:

An expulsion hearing will be held to consider your student's failure to make satisfactory progress in completing the following Drug/Alcohol Activity Level A requirements:

- Insight Class – One or more unexcused absences from the six-hour Insight Class
- Community Service – Failure to complete community service requirement
- Other –

The hearing is scheduled for

It is very important that you and your student attend this hearing. Please check in at the school office. Office staff will direct you to the hearing. If you are unable to attend at this time, please call me at 503.916. immediately to reschedule the hearing. If you do not notify us that you need to reschedule and fail to appear at the hearing, the school may hold the hearing in your absence.

If the evidence supports the charge(s), it may result in disciplinary action, including expulsion for up to one year. A brief description of the procedure a parent is to follow regarding witnesses and counsel is outlined on the back of this page.

Please read and review the rights of parents and students outlined in the attached materials. This information is very important. If you are unable to read or understand it, please call 503.916.3427 to have it read to you in a language you understand.

If you have any questions, concerns or need additional information, please contact me at 503.916.

Sincerely,

Attachment: Expulsion Procedures

c: Student's School File, Area Director, Student Conduct @ BESC

# EXPULSION PROCEDURES

Whenever the parent/guardian is notified by letter of an expulsion hearing, a copy of the Guide to Policies, Rules, and Procedures on Student Responsibilities, Rights, and Discipline, or a copy of the expulsion section from the Guide, will be attached. In expulsions involving a student with severely limited English skills, or a student whose parent/guardian has severely limited English skills, an interpreter may be requested.

## **Definition and Consequences of Expulsion**

Expulsion denies the student attendance at school or school activities in any Portland Public School for up to one calendar year.

- When a student is expelled, even at the end of a semester, the student may lose credit for the semester involved.
- Students expelled because of a Level C drug violation are required to participate in treatment during the expulsion period.
- The Principal, at the time of the conference to readmit the student after expulsion, will review the student's progress in treatment (if appropriate) and provide information from the student's teachers on possible partial credit for work completed prior to the expulsion and record credit earned at an alternative school attended during expulsion.

## **General Summary of Expulsion Procedure**

In general, when a student is suspected of having violated district rules such that consideration of expulsion is appropriate, the following general steps will be taken:

- A Suspension pending the expulsion hearing. A student may be removed before an informal hearing if the student is a threat to any person or to the orderly operation of school programs (see Suspension Procedures in this guide). A Hearing Notice is mailed to the home
  - An Expulsion Hearing is held
  - A Decision is made and a Notice of Hearing Decision is mailed
- ORS 339.115(4) permits recognition of expulsions from other school districts without a hearing.

## **Reinstatement Pending Expulsion Hearing**

After ten (10) consecutive days on suspension pending an expulsion hearing, the student must be readmitted until the expulsion hearing unless:

- in the judgment of the Principal or designee, the student's return would pose a threat to the safety of any person or to the orderly operation of school programs; or
- the expulsion hearing has been held and a decision made to expel the student; or
- the expulsion hearing has been postponed by an agreement of the parent/guardian; or
- because of the physical or mental illness or incarceration of the student, or similar reasons.

In the absence of one of the exceptions above, a student shall not be kept out of school for more than ten (10) consecutive days.

## **Initiation of Expulsion Procedure**

1. When the evidence from the suspension hearing and/or the investigation indicate possible grounds for expulsion, the Principal should be informed. Expulsion procedures may be initiated only by the Principal.
2. The expulsion procedures are formally initiated by the Principal sending the notice of expulsion hearing letter described next.

## **Notice of Expulsion Hearing**

1. When invoking expulsion procedures, the Principal shall send a notice by certified and regular mail to the parent/guardian and the student in a language they understand.
2. The notice letter shall specify the following information
  - a. The specific charge(s) and the act(s) which support the charge(s).
  - b. A statement that if the evidence supports the charge(s), it may result in expulsion from the School District.
  - c. The time, date and location of the hearing to consider the issues bearing on a possible expulsion. The hearing shall not occur before five (5) school days from the date the notice is mailed, unless the parent/guardian is notified personally or by phone and an earlier hearing date giving two (2) days notice can be offered. The parent/guardian may request an extension of time to a date and time made available by the Principal. The student shall not be kept out of school more than ten (10) consecutive school days, unless the expulsion hearing has been held and a decision made to expel the student, or unless the expulsion hearing has been postponed by an agreement of the parent/guardian and school because of the physical or mental illness or incarceration of the student, or similar reasons.

- d. A reminder that the rights of students and parent/guardians are detailed in the Guide to Policies, Rules and Procedures on Student Responsibilities, Rights and Discipline and a copy of this section should be attached to the letter.
- e. A notification of the availability of appropriate and accessible alternative education programs of instruction.

**Postponement of Hearing at Parent/Guardian Request**

If it is not possible for the parent/guardian to attend the hearing at the time specified in the letter, the parent/guardian may call the Principal to arrange an alternative time. If postponement is necessary, the hearing must be held within seven (7) days of the original hearing date.

**Pre-Hearing Considerations for Expulsion**

**1. Use of Interpreter**

An interpreter should be included when the student or parent does not understand English.

**2. Expulsion Without a Hearing**

A student may not be expelled without a hearing. If after appropriate notice of the place and time set for the hearing:

- a. neither a parent, guardian, the student nor a representative appears; or
- b. the student, if 18 years of age or over or an emancipated minor, or representative, does not appear; or
- c. the parent/guardian, or the student, if 18 years of age or older or emancipated, waives in writing the rights to a hearing, then a hearing will be held to determine the facts of the situation; a decision will be made based on the facts; a record will be made of the hearing, the facts and the decision; and the parent/guardian and/or student will be provided with the standard notice of the decision and alternative education as appropriate.

**3. Authority to Expel**

Authority to expel is delegated by the Board to an administrator. Every effort will be made to ensure that the hearings officer shall not also be the primary investigator.

**4. Representation**

- a. The parent/guardian and student may be accompanied at the hearing by a third party or legal counsel, if they choose.
- b. The parent/guardian and student shall notify the Principal by telephone at least two (2) days prior to the hearing who, if anyone, will accompany them to the hearing.

**5. Witnesses and Questioning Witnesses**

- a. The parent/guardian and student may produce their own witnesses at the hearing and question adverse witnesses. **Students as Witnesses-** If information from a student witness is presented at the hearing, the identity of that student is not revealed if in the judgment of the hearings officer it would adversely impact the student's school experience. If the identity of a student witness is not disclosed, the hearings officer shall carefully and thoroughly interview the witness, form a judgment as to the accuracy of the information, and ask any questions requested by the parent/guardian/representative of the student who is suspected of misconduct.
- b. The parent/guardian and student shall notify the Principal at least two (2) days prior to the hearing which witnesses, if any, they will produce at the hearing and which adverse witnesses, if any, they currently wish to question.
- c. At the parent/student hearing, the parent and student may have a lawyer or advocate present evidence, bring witnesses, ask questions of witnesses, and explain their side. The hearings officer must consider all evidence.

**6. Failure to Notify Principal of Counsel or Witnesses**

If no prior notice is given to the Principal, and counsel or witnesses are brought, the Principal may, if reasonably necessary, postpone the hearing for two (2) days.

**7. Legal Counsel Access to Information and Records**

- a. Legal counsel may ask the Principal for more information prior to the hearing, but within the limitations of Board policy on student records.
- b. At the hearing, the Principal may rely upon District and school records. Such records are available for inspection by the student and/or his/her representative prior to the hearing within the limitations of Board policy on student records.

**8. Failure to Attend Hearing**

Reasonable effort shall be made to ensure parent/guardian attendance. If the parent/guardian fails to attend the hearing, the hearings officer shall hold the hearing with the student if possible, write the decision, and send a copy to the parent/guardian and the student.

**9. Enrollment Status at the Time of a Hearing**

Students are not required to be enrolled at the time of the hearing. If the student has withdrawn prior to the hearing and the

misconduct is thought to have occurred prior to the student's withdrawal, the hearing is still required to occur.

### **Conduct of Hearing**

The following lists the minimum required elements of an expulsion hearing:

1. The Principal should allow the parties to clearly explain their respective points of view and to submit whatever relevant information they have.
2. The parent/guardian and student may discuss the expulsion and present any information and witnesses that are pertinent to expulsion.
3. The parent/guardian and student may directly or, through counsel, question any other witnesses presented.
4. During the hearing, the Principal may let the Vice Principal, the investigators and other school personnel submit the relevant information to the extent feasible. This shall not preclude the Principal from submitting pertinent information of his/her own when the interests of a complete understanding of the issues may require it.
5. Strict rules of evidence shall not apply to the proceedings. However, this provision shall not limit the hearings officer's control of the hearing.
6. The Principal may rely upon District and school records as well as information presented at the hearing.
7. The Principal shall make an electronic record of the hearing (i.e., tape recording, CD) and the student or his/her counsel may make a record.

### **Post-Hearing Procedure for Expulsion**

1. Determining Facts and Appropriate Disciplinary Action
  - a. After the hearing, the Principal should review all information and make decisions in light of the facts.
  - b. The Principal shall determine if the information supports the charge(s).
  - c. The Principal shall determine whether or not to expel the student.
2. Notice of Hearing Decisions to Parent/Guardian
  - a. The decision of the Principal is communicated at the hearing or by phone later in the same day of the hearing or on the following day and within three (3) days after the hearing the Principal shall mail to the parent/guardian, by Certified and Regular mail, a notice of the decision in a language they understand.

- b. If the decision is to expel, the letter shall state:
  - that the expulsion will be effective on a specified date;
  - the period of the expulsion;
  - the specific reason(s) for the expulsion;
  - that the parent/guardian and/or student may request that the Area Director review the expulsion by requesting such a review in writing or by telephone to the Area Director within five (5) days of the receipt of the notice of expulsion;
  - that the student has the right to re-enroll in school at the end of the expulsion period, the continuance of such enrollment being contingent on maintaining standards required by the school of all students;
  - the notice of the availability of private alternative education programs of instruction.
3. Forwarding Hearing Decision to Area Director. The Principal will forward all pertinent information to the Area Director, including the Principal's decision and findings as to the facts.

### **Alternative Education Programs. Alternative Education Programs**

Prior to the decision to expel, the school will inform parents and students of District Alternative Education programs. In the event of expulsion the school will notify the parents and student of available education options.

### **Loss of Credit.**

When it becomes necessary for a student to be expelled from school even at the end of a semester, loss of credit can occur if the student does not complete the appropriate work at an alternative school. During any subsequent readmission conference, a review of the student's academic status by the Principal may determine that some credit be granted for work completed prior to the expulsion.

### **Readmission**

#### **1. Readmission from Expulsion**

Except for those expelled for drug-related activities, students shall be readmitted to school after the period of expulsion. When students are readmitted to school, all reasonable efforts will be made to help the students plan to complete their educational program.

#### **2. Readmission from Level 6 Expulsion**

Expelled students shall be readmitted to school at the end of one calendar year period of expulsion and successful completion of an approved violence prevention education program. The

program will provide the school with information regarding the student's progress.

The student and parent/guardian meet with a school administrator to plan what efforts will be made by each party to help the student complete the education program and to determine appropriate placement upon readmission.

### ***Readmission from Drug-Related Activities Expulsion.***

#### **Level A Non-Compliant and Level B**

Expelled students shall be readmitted to school if the following has been completed:

- An alcohol and drug assessment (at District expense).
- Recommendations of assessment are being followed (not at District expense).

#### **Level C**

Expelled students shall be readmitted to school if the following has been completed:

- Satisfactory completion of an approved therapy program which includes urinalysis (not at District expense).
- The program has provided the school with information regarding the student's progress and urinalysis results.
- In all cases, the returning student and parent/guardian shall meet with an administrator and agree on a plan to protect the student and the school from further drug-related activity. Pending completion of these requirements, the student shall remain in an alternative school placement.

### ***Exemption from Attendance***

In some circumstances, it may be more desirable for the parent to request that the student be exempted from school attendance rather than returning after the expulsion ends. See "Attendance" in this document for the procedures and conditions to exempt a student from school attendance.

### ***Appeal Procedures***

A review may only occur for one of the following reasons:

Failure to follow due process. Due process is:

- appropriate and adequate notice of the hearing and the results,
- the opportunity to be present at the hearing,
- the opportunity to be heard at the hearing,
- the opportunity to present information at the hearing.

New information about the incident not reasonably available at the time

#### **1. Area Director Level Review**

Within five (5) working days of receiving the Principal's letter of expulsion, the parent/guardian and student may request by phone or letter that the Area Director review the Principal's decision. The appeal request will specify the reasons for the appeal as listed above.

The Area Director will contact by certified or registered letter the parent/guardian within five (5) working days. This letter will explain the review procedures and specify the time and location of a review hearing, if such a hearing is necessary. The Principal and an interpreter will be available if needed.

The Area Director will inform the parent/guardian and student of his/her decision by letter within three (3) school days after any review hearing.

#### **2. Board Level Review**

**Request for Review to the Board.** The parent/guardian may appeal an expulsion to the Board of Education by requesting such a review in writing or by telephone to the Office of the Superintendent within five (5) days of receipt of the notice of the review decision from the Area Director.

**Forwarding of File to Board.** If the Area Director review decision is appealed to the Board, the Area Director's decision, findings of fact and any other essential evidence and records, and the Principal's decision and findings of fact shall be forwarded to the Superintendent or his designee who acts as a hearings officer. A summary of findings, conclusions of law, and a recommendation for the Board will be prepared. The Board will uphold, modify, or reverse the decision of the Area Director. Reference 4.30.021-AD

## DELAYED EXPULSION

Delayed expulsion is a disciplinary option available for students who have committed an action level 4 expellable offense who, in the administrator's judgment, would benefit from an alternative such as the District's Delayed Expulsion School Counseling Center (DESCC), or another referral or plan, approved by Area Director, to delay expulsions. Delayed expulsion is not an option for discipline action level 5 or 6. The Principal uses the following steps:

- The administrator conducts an expulsion hearing to determine if there are grounds to expel the student and sets **the beginning and ending dates for the expulsion and states them in writing**. The administrator will inform the student and the family that the expulsion will be delayed to give them an opportunity to complete an alternative, and that if the student is successful in the alternative that is offered, the expulsion will not go into effect. The administrator will send a letter to Parent/Guardian regarding Result of Expulsion Hearing—Delayed Expulsion.
- The principal will refer the student to the alternative and inform the program that this is a delayed expulsion. (If this is not a PPS alternative, the administrator will need to remind them of the importance of communicating about the student's success in completing the alternative.)
- If the school is informed that the student has successfully completed the alternative, no expulsion letter is sent.
- For delayed expulsion to be an effective consequence: If the school is informed that the student is not accepted into the alternative, or does not complete or make satisfactory progress in the alternative, the expulsion paperwork should then be sent to the family, student discipline file, Area Director, and Student Conduct Office notifying them that the expulsion has gone into effect. The start date for the expulsion is immediately following the original hearing and includes any time served in district alternatives.

If there is a subsequent offense during the delayed expulsion period, a hearing on the most recent offense will be held at the student's home school, which may impose sanctions up to and including expulsion appropriate for the most recent offense. If the student is expelled as the result of a violation which occurs during the delayed expulsion period, the expulsion begins the day following the most recent hearing.