



PORTLAND PUBLIC SCHOOLS

Telephone:

Re:

At a hearing on _____ it was determined that
failed to make satisfactory progress in completing 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 (please explain)]

No Expulsion

Student currently has an IEP for special education services or Section 504 Plan and there is a relationship between the behavior and disability, therefore the student cannot be expelled.

Consequence for failure to comply:

Expulsion. The expulsion is in effect from _____ through _____

An expelled student may not be on or around school campuses or at school events. If the student's expulsion is **not** delayed, the student is eligible to attend a community-based non-district alternative program. School staff will initiate an Alternative Education Plan and submit it to Educational Options Program. The family should contact an Educational Options Specialist (503.916.3205) for placement information. The student has the right to re-enter this school or another Portland Public School at the end of the expulsion period. When the student returns to school he/she must maintain the standards required of all students. 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 someone explain it to you in a language you can understand.

Student referred to **Delayed Expulsion** Option:

Delayed Expulsion School Counseling Center

Other Delayed Expulsion Option

Consideration for delayed expulsion demonstrates Portland Public School's belief that this student can be successful in gaining the skills necessary to succeed in school. Should the student fail to complete the above listed sanction the expulsion period will be from **today's date to**

Administrator's Option:

Commencement Disqualification (In addition to the actions specified in Administrative Regulation 4.30.022, seniors may be disqualified from commencement exercises if they are found to be in violation of the district drug and alcohol policy within sixty days of the last senior day.)

You have the right to appeal this expulsion decision for any of the following reasons:

1. You have new information that was not presented in the hearing.
2. Due process was not followed. Due process is:
 - a. appropriate and adequate notice of the hearing and the results,
 - b. the opportunity to be present at the hearing,
 - c. the opportunity to be heard at the hearing,
 - d. the opportunity to present information at the hearing.

If you wish to appeal this expulsion decision, you must notify
by telephone at 503.916. or in writing within five (5) days of your receipt of this letter.

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

Sincerely,

Attachment: Expulsion Procedures (if result of hearing is expulsion)
c Student's School File, Area Director, Student Conduct @ BESC

EXPULSION PROCEDURES

In expulsions involving a student with severely limited English skills, or a student whose parent has severely limited English skills, an interpreter may be requested.

1. 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. Weapons violations generally result in expulsion for a full year; a gun violation mandates a one-year expulsion. 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.
2. Summary of Expulsion Procedure
 - A. Suspension Pending Expulsion Hearing. Whenever the Principal or Vice Principal believes that a student has been involved in conduct warranting expulsion, the student is given an informal hearing in accordance with suspension procedures. A student may be removed before an informal hearing if the student is a threat to the safety of any person or to the orderly operation of school programs.
 - B. Parent/Guardian Notification of Hearing. If after review and investigation the Principal determines expulsion may be warranted, the Principal will notify the parent/guardian and the student by mail of the charge(s), the time and location, and other information concerning the expulsion hearing. The letter will include a copy of Guide to Policies, Rules and Procedures on Student Responsibilities, Rights and Discipline, which contains the complete procedures for expulsion, or a copy of the expulsion procedures from the Guide. Parents/guardians will be notified of the availability of appropriate alternative education programs when expulsion is considered

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 Letter

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 is notified personally or by phone and an earlier hearing date giving two (2) days notice can be offered. The parent 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.

- 3. 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.

Pre-Hearing Procedure for Expulsion

- 1. **Use of Interpreter.** An interpreter should be included when the student or parent does not understand English.

- 2. **Representation or Counsel**

- 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.

- 3. **Witness and Cross Examination**

- A. The parent/guardian and student may produce their own witnesses at the hearing and cross-examine adverse witnesses through counsel.
- 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 cross-examine through counsel.
- 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.

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 charged.

- 4. **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.

- 5. **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.

6. Failure to Attend Hearing

Reasonable effort shall be made to ensure a parent's attendance. If the parent 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 and the student.

Conduct of Hearing

1. The Principal should allow the parties to clearly explain their respective points of view and to submit whatever evidence they have available relevant to the case.
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, through counsel, cross-examine any other witnesses presented.
4. During the hearing, the Principal may let the Vice Principal, the investigators and other school personnel submit the evidence to the extent feasible. This shall not preclude the Principal from submitting evidence of his/her own instance 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 testimony.
7. The Principal shall make a record of the hearing (it may be a tape recording) 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 sift the evidence and make decision in light of the facts.
 - B. The Principal shall determine if the evidence supports the charge(s).
 - C. The Principal shall determine whether or not to expel the student. The Principal may consider the student's disciplinary history in making a final decision.
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, in the same manner as described in Notice of Expulsion Hearing above, a notice of the decision.
 - B. If the decision is to expel, the letter shall state:
 - 1) that the expulsion will be effective on a specified date;
 - 2) the period of the expulsion;
 - 3) the specific reason(s) for the expulsion;
 - 4) that the parent/guardian and/or student may request that the Director of Student Achievement review the expulsion by requesting such a review in writing or by telephone to the Director of Student Achievement within five (5) days of the receipt of the notice of expulsion;
 - 5) 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;
 - 6) the notice of the availability of private alternative education programs of instruction.
3. Forwarding Hearing Decision to Director of Student Achievement. The Principal will forward all pertinent information to the Director of Student Achievement, including the Principal's decision and findings as to the facts.

General Procedures for Expulsion

1. Reinstatement Pending Expulsion Hearing

- A. After ten (10) days on suspension pending an expulsion hearing, the student must be readmitted until the expulsion hearing unless:
- 1) 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
 - 2) the expulsion hearing has been held and a decision made to expel the student; or
 - 3) the expulsion hearing has been postponed by an agreement of the parent/guardian; or
 - 4) because of the physical or mental illness or incarceration of the student, or similar reasons.
- B. 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.

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 a hearings officer, who shall be the Principal.

4. Length of Expulsion. Expulsion denies the student attendance at school activities in any Portland school for up to one calendar year. If the expulsion is to be longer than 20 weeks, prior approval by the Director of Student Achievement is required. However, gun violations result in expulsions of not less than one calendar year.

5. 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.

6. 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.

7. 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.

8. Readmission from Drug-Related Activities Expulsion. Expelled students shall be readmitted to school after a Level C expulsion if the following has been completed:

- A. Satisfactory completion of an approved therapy program, which includes urinalysis (not at District expense).
- B. The program has provided the school with information regarding the student's progress and urinalysis results.
- C. Student and parent meet with an administrator and agree to a plan including elements which may include further participation in a non-District treatment program (not at District expense) as recommended by the treatment facility.

Pending completion of these requirements, the student shall remain in an alternative school placement.

- 9. 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 private education options.
- 10. 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 "Student Attendance" in this document for the procedures and conditions to exempt a student from school attendance.

Review Procedures for Expulsion

1. Director of Student Achievement Level Review

- A. Request for Review by Parent/Student.** The parent/guardian and/or student may request that the Director of Student Achievement review the expulsion in writing or by telephone to the Director of Student Achievement within five (5) days of receipt of the hearing decision from the Principal.
- B. Notice to Parent/Guardian of Review of Decision**
 - 1) Within two (2) days after the hearing, the Director of Student Achievement will determine whether to uphold the decision of the Principal and shall notify the parent/guardian in writing of his/her decision.
 - 2) If the Director of Student Achievement does not uphold the expulsion, the parent/guardian and the school will be notified within two (2) days and the student will be reinstated.
 - 3) The Director of Student Achievement will send a copy of the finding as to the facts to the Principal and Assistant Superintendent.
- C. Notice to Parent/Guardian of Review Procedures**
 - 1) Not less than seven (7) days prior to the review, the Director of Student Achievement will mail to the parent, by certified and regular mail, a letter stating that:
 - a) The Director of Student Achievement will review the expulsion on the basis of the record established at the Principal's hearing level, unless the parent and student wish to present new evidence or to challenge the procedures of the hearing at the Principal's level.
 - b) If new evidence is to be presented or the procedures are to be challenged, the Director of Student Achievement or his/her designee, will schedule and hold a hearing.
 - c) The parent/guardian and student may be accompanied at the hearing by a third party or legal counsel if they choose, and shall notify the Director of Student Achievement or his/her named designee by telephone at least three (3) days prior to the hearing who, if anyone, will accompany them for the purpose of providing new evidence or challenging the procedure.
 - d) The Director of Student Achievement will render his/her decision on the basis of the record established in the Principal's hearing and any additional evidence established in a hearing conducted by him/her.

- e) If the Director of Student Achievement finds that the procedures for expulsion were not followed by the Principal, she/he may decide whether the procedural defect affected the validity of the decision by the Principal. The Director of Student Achievement may uphold, modify or reverse the Principal's decision.

2. Board Level Review

- A. 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 Director of Student Achievement.
- B. Forwarding of File to Board.** If the Director of Student Achievement review decision is appealed to the Board, the Director of Student Achievement'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 Director of Student Achievement.

Reference AR 4.30.021