



**Student Suspension & Expulsion
Procedures**

I. Overview

This directive establishes procedures to clarify the rights of students and define responsibilities of district staff in the suspension and expulsion discipline process. These procedures support Board goals in the Student Conduct and Discipline Policy (4.30.010-P) by providing consistent interventions and consequences for all District schools to ensure equitable outcomes in discipline and eliminate disparities in applying discipline across all protected classes in accordance with the District's Racial Educational Equity Policy 2.10.010 and Non-Discrimination Policy 1.80.020.

A. To maximize the time students spend in school, exclusionary discipline practices are the action of last resort unless there is extreme disruption of the educational process, behavior that poses a danger to persons or property, or behavior for which exclusion is mandated by District standards of conduct.

B. The use of expulsion is limited to:

1. Conduct that poses a threat to the health and safety of students or school employees; or
2. When other strategies to change student conduct have been ineffective; or
3. As required by law.

C. Prior to suspension or expulsion, school staff must consider:

1. The nature of the misconduct.
2. A student's age, health, and disability or special education status.
3. Cultural or linguistic factors that may have played a role in the misconduct.
4. Appropriateness of student's academic placement.



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5. Student's prior conduct and record of behavior.
6. Support systems available to the student.
7. Student's willingness to repair the harm.
8. Impact of the incident on overall school community.
9. Availability of prevention and intervention programs that are designed to address student misconduct.
10. Whether the student voluntarily disclosed the misconduct.

D. In accordance with 4.30.020-AD, Student Discipline Procedures:

For a student who is in fifth grade or lower, the use of out-of-school suspension or of expulsion is limited to the following circumstances:

1. For non-accidental conduct causing serious physical harm to a student or school employee;
2. When a school administrator determines, based upon the administrator's observation or upon a report from a school employee, that the student's conduct poses a direct threat to the health or safety of students or school employees; or
3. When the suspension or expulsion is required by law.

When an out-of-school suspension is imposed, the school is required to take steps to prevent the recurrence of the behavior that led to the out-of-school suspension and return the student to a classroom setting so that the disruption of the student's academic instruction is minimized.



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II. Definitions

A. Delayed expulsion: offered at the discretion of the hearing officer. Delays the expulsion period pending the completion of agreed upon consequence/intervention. Expulsion does not go into effect if sanctions are satisfactorily completed

B. District standards of conduct: rules and expectations as defined by District policy, related administrative directives, applicable state and federal laws and regulations, the Guide to Policies, Rules, and Procedures on Student Responsibilities, Rights and Discipline, the Handbook on Student Responsibilities, Rights and Discipline, the school-based Student Conduct and Discipline Plan, and other related guidelines

C. Expulsion: denies the student the right to attend school, including all classes and school activities, and to come onto any district property for up to one calendar year

D. Hearing: a formal meeting to review information pertaining to suspected misconduct and to make a decision regarding disciplinary action

E. Hearing officer: a principal or other person designated by the Superintendent to conduct a hearing

F. Mandatory 365 day expulsion: required one calendar year expulsion for weapons or firearm violations

G. Modify: change the decision (e.g. offer suspension instead of an expulsion; decrease length of expulsion)

H. Preponderance of the evidence: more likely than not

I. Remand: on appeal, the appeals hearing officer may decide to require a new hearing with a new hearing officer

J. Reverse: change the decision (e.g. decide not to expel the student)



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K. Suspension/in-school: temporarily denies a student the right to attend scheduled classes and instead be required to attend a program in the school for a period up to ten (10) consecutive school days

L. Suspension/out-of-school: temporarily denies a student the right to attend school, including all classes and school activities and to come onto any district property, for a period up to ten (10) consecutive school days

III. Suspension Procedures

A. General procedures: When a student's conduct may involve a suspension, the principal or designee shall:

1. Follow the initial procedures for discipline referrals in 4.30.020-AD.
2. Ensure that suspension is appropriate as a discipline option for the suspected misconduct in consideration of those factors listed in I.(C) above.
3. Conduct an informal suspension meeting with the student to inform the student of the suspected misconduct in language the student can understand and give the student the opportunity to explain his/her side of the story. The principal or designee shall decide on any appropriate disciplinary action and may consider in-school suspension as an option if facilities and staff are available.
4. Make a good faith effort to notify the parent/guardian by phone and shall also notify the parent/guardian in writing in the student's home language, including the conditions for reinstatement and appeal procedures, if the student is suspended in-school or out-of-school. Personal contact shall be made with a parent/guardian before an elementary or middle school student or a student with disabilities may be sent home.
5. Provide homework to students who are suspended out of school. To ensure continuation of learning, suspended students are expected to



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complete schoolwork during their time of suspension. Upon request the student shall be told of assignments during the period of suspension. Students shall be given make-up assignments, projects, or examinations only when those activities will be graded and used to determine a grade for the course. Teachers are not required to spend time working with a student to prepare assignments because of the student's misbehavior.

B. When suspension takes effect: A student's in-school or out-of-school suspension becomes effective after the informal suspension meeting and notification of the parent/guardian or at the end of the school day. A meeting with the parent/guardian ordinarily must be held prior to a student returning to school after a period of suspension to seek resolution of the misconduct and review ways of improving student behavior. A parent/guardian may request a meeting with the principal or designee to develop a plan of action for the student to prevent further incidents.

C. Emergency suspension: When there is a health or safety emergency requiring immediate exclusion of a student from the learning environment, the principal or designee shall notify the parent/guardian. The informal suspension meeting may be delayed for up to three (3) working days.

D. Contesting a suspension: A student or parent/guardian may contest the suspension first by requesting a conference with the principal, if the principal did not make the initial suspension decision, and then by requesting a review by the district senior staff responsible for supervising the school the student attends. If the family wants to appeal the decision of the district senior staff, the family may appeal to the Office of the Superintendent within five days of the decision by the district senior staff. If after the Superintendent's decision, the family wants to appeal to the Board, they may do so within 10 days of the Superintendent's decision.

IV. Initiating Expulsion Procedures

A. Authority to initiate expulsion procedures: When the evidence from the investigation and/or informal suspension meeting indicates possible grounds for



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expulsion, the principal shall be informed. Expulsion procedures may be initiated only by the principal and as defined in Section 1(c) above.

B. Suspension prior to an expulsion hearing: Students shall be suspended in school or out of school pending the expulsion hearing. After ten consecutive school days on suspension prior to the expulsion hearing, the student must be readmitted to school 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. There must be clear evidence of such a threat, and this delay cannot be for an extended period of time; or
2. The expulsion hearing has been postponed by an agreement with the family because of the physical or mental illness or incarceration of the student, or similar reasons.

C. Notice of expulsion hearing: Notice of the expulsion hearing shall be sent by certified regular mail to the parent/guardian in the student's home language. The principal or designee shall make a good faith effort to notify the parent/guardian by phone in the student's home language as well. District staff shall make a good faith effort to find a mutually agreeable time for the hearing.

D. Enrollment status: 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 and a decision must be made.

E. Hearing required: A student may not be expelled without a hearing.

V. Expulsion Hearing Process

A. Hearing officer: The Superintendent or designee appoints designated hearing officers for expulsion hearings. The principal generally acts as the hearing officer for Level A Alcohol and Drug hearings; however, there may be situations in which a designee is needed.



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B. Hearing: The hearing officer shall allow those involved in the hearing to clearly explain their respective points of view and to submit whatever information or evidence they have that is relevant to the case. A record of the hearing shall be made.

C. Making a decision: After the hearing, the hearing officer shall make a decision based on the evidence presented. If a preponderance of the evidence shows that an expellable offense occurred, the hearing officer shall determine the level of discipline (i.e. expulsion, delayed expulsion, or mandatory 365 day expulsion). The hearing officer may consider the student's disciplinary history in making a decision. If the hearing officer determines by a preponderance of the evidence that the student has committed one of the weapon or firearms violations defined under state or federal law, there is no discretion and the student must receive a mandatory one-year or 365 day expulsion. (move to another section)

D. Notice of decision to family: The hearing officer shall inform the family by phone of his/her decision within one working day of the hearing. Within three working days of the hearing, the hearing officer shall mail the family a letter with the decision in the same manner as described for the notice of the expulsion hearing.

E. Failure to attend the hearing: Reasonable effort shall be made to ensure parent/guardian and student attendance. If despite all efforts, the family fails to attend the hearing, the hearing officer shall hold the hearing and mail the family a letter with the decision in the same manner as described for the notice of the expulsion hearing.

F. Expulsion following delayed expulsion: If the decision by the hearing officer is to delay the expulsion and:

1. The school is informed that the student has not complied with any imposed intervention services conditions, the expulsion shall go into effect



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2. The student has committed a new expellable violation, the school shall notify the family of a new hearing date and time and shall conduct an expulsion hearing before implementing the expulsion

VI. Expulsion Appeal

- A. Request for appeal: A student or parent/guardian may appeal the decision to expel by requesting a review in writing or by phone within five working days of when the family receives notice of the decision. Requests for review are made to the district staff responsible for supervising the school the student attends.
- B. Pre-hearing procedures: The person to whom the appeal is made shall review the record and notify the family of the date set for the appeal hearing and act as the appeals hearing officer.
- C. Hearing: The hearing officer shall allow the student's family to clearly explain their point of view and to submit any new evidence relevant to the case.
- D. Making a decision: Within two working days, the hearing officer shall make his/her decision based upon the preponderance of the evidence and may choose to uphold, modify, remand, or reverse the decision to expel. If the decision is to modify a mandatory 365 day expulsion, the hearing officer decision is forwarded as a recommendation to the Superintendent, who has the sole authority to make such a modification.
- E. Notice of the Decision: The hearing officer shall notify the student's family in writing of the decision. The notice shall state that the family may appeal to the Office of the Superintendent within five days.

VII. Expulsion Appeal to the Superintendent and Board

- A. Request for appeal: A student or parent/guardian may appeal the hearing officer's decision to the Superintendent within five working days of when the family or representative receives notice of the decision. If after the Superintendent's decision, the family wants to appeal to the Board, they may do



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so within 10 days of the Superintendent's decision. Requests are made to the Office of the Superintendent.

B. Making a decision: The Superintendent or designee shall review the record, meet with the family, and prepare a summary with a recommendation for the Board. The family may prepare a written statement to accompany the record and recommendation sent to the Board. If the appeal requests modification of a mandatory 365 day expulsion, the Superintendent has sole authority to make such a decision which is final.

C. Board vote: The Board shall vote on the appeal at the next regular Board of Education Meeting scheduled at least ten (10) days following the Superintendent's summary and recommendation. The Board may uphold, modify, or reverse the appeals hearing officer decision.

D. Notice of the decision: The Superintendent's Office or designee shall notify the student's family of the Board's decision or the Superintendent's decision to grant or deny modification of a mandatory 365 day expulsion.

VIII. Modifying an Expulsion Post-Appeal

A. Request for modification: After the time for an expulsion appeal has passed, any interested party, including the student, student's parent/guardian, school, district staff, or community-based program may at any point during an expulsion request a modification of the terms of the expulsion (i.e. length). The request shall be based on mitigating circumstances and may not include a request to reverse the original expulsion decision.

B. Procedure: The interested party shall submit a written request to the Superintendent that includes the reason for requesting the modification along with any supporting documentation.

C. Making a decision: The Superintendent or designee shall consider the initial record for the expulsion, the written request, and any additional information obtained through consultation with the school in making a modification decision.



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D. Notice of the decision: The Superintendent or designee shall notify the student's family of the decision.

E. Appeal: The Superintendent's decision is final and cannot be appealed.

IX. Readmission Following Expulsion

A. Expelled students may not be enrolled in other District schools during the expulsion, except for an approved violence prevention, behavior, or alcohol and drug program as recommended by the Superintendent or designee.

B. Students expelled from schools outside the District will not be admitted to a District school for the balance of the period the expulsion is effective even if he/she has become a resident of the District.

C. Alternative education or home instruction will be provided as required by law to expelled students who are or become residents of the District during the period of expulsion.

D. When it becomes necessary for a student to be expelled from school before the end of a semester, loss of credit at the time of expulsion is presumed for the semester involved; however, at the point of readmission, a review of the student's academic status by the principal may determine that some credit should be granted for work completed prior to the expulsion.

E. Expelled students shall be readmitted to school after the period of expulsion. When the student is readmitted to school, all reasonable efforts will be made to help the student plan to complete his/her educational program.

F. Students on transfer who are expelled have a right to return to the transfer school when the expulsion period has ended.

G. Students expelled due to drug-related activities shall be readmitted to school only if conditions outlined in 4.30.022-AD are met.



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X. Mandatory expulsion for firearms

Pursuant to state law, the district must expel from school for a period of not less than one year of any student who is determined to have:

- A. Brought a firearm to a school, to school property or to any school-sponsored activity.
- B. Possessed, concealed or used a firearm in a school, on school property or at a school-sponsored activity.
- C. Brought to or possessed, concealed or used a firearm at an interscholastic activity administered by a voluntary organization.

The Superintendent may:

- A. Modify the expulsion requirement for a student on a case-by-case basis.
- B. Propose alternative programs of instruction or instruction combined with counseling for a student that are appropriate and accessible to the student. If alternative programs are appropriate for a student, the superintendent shall ensure that information about programs of instruction or instruction combined with counseling is provided in writing to the student and the parent, legal guardian or person in parental relationship with the student at least once every six months, or at any time the information changes because of the availability of new programs.
- C. The District must inform the Portland Police Bureau of any student who is expelled under this subsection.
- D. The District must annual report to the Department of Education the name of each school that had an expulsion under this subsection and the number of students expelled from each school.

XI. Other Provisions



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- A. The District shall comply with all notice and other requirements for alternative instructional program placement in 4.30.031-AD.
- B. Additional procedures apply for suspension or expulsion of students with a 504 or Individualized Education Plan are in 4.30.025-AD.
- C. Copies of the letter informing families of decisions regarding suspension or expulsion shall be placed in the student's file.

History: Adopted 7/71; Amended. 9/71; Amd. 6/72; Amd. 1/73; Amd. 8/73; Amd. 8/74; Amd. 11/75; Amd. 2/76; Amd. 9/77; Amd. 12/77; Amd. 12/78; Amd. 7/79; Amd. 3/80; Amd. 12/80; Amd. 2/81; Amd. 7/82; Amd. 5/84 ed.; Amd. 7/90; Amd. 11/20/91; Amd. 9/01/02; Amd. 12/2014; 8/2015; 3/16; 9/18