

# EXPULSION PROCEDURES

Following are the expulsion procedures for Portland Public Schools, excerpted from the school district's Administrative Directive on Student Suspension & Expulsion Procedures. To view the Administrative Directive, online go to: [http://www.pps.k12.or.us/files/board/4.30.021\\_ADSuspensionExpulsionFinal\\_4.9.10.pdf](http://www.pps.k12.or.us/files/board/4.30.021_ADSuspensionExpulsionFinal_4.9.10.pdf)

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 or designee, 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:

- Suspension pending the expulsion hearing. (see Suspension Procedures in this guide).
- A Hearing Notice is mailed to the home
- An Expulsion Hearing is held (generally, within ten days)
- A Decision is made and a Notice of Hearing Decision is mailed

Note: [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 informal suspension meeting and/or the investigation indicate possible grounds for expulsion, the principal or designee should be informed. Expulsion procedures may be initiated only by the principal or designee.
2. The expulsion procedures are formally initiated by the principal or designee sending the notice of expulsion hearing letter described next.

## **Notice of Expulsion Hearing**

1. When invoking expulsion procedures, the principal or designee 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 or designee. 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 or designee 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/guardian 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 Superintendent to a hearing officer who shall not also be the primary investigator. The principal generally acts as the hearing officer; however, there may be situations in which a designee is needed.

#### **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 or designee by telephone at least two (2) days prior to the hearing who, if anyone, will accompany them to the hearing.
- c. If no prior notice is given to the principal or designee, and counsel or witnesses are brought, the principal or designee may, if reasonably necessary, postpone the hearing for two (2) days.

#### **5. Witnesses and Questioning Witnesses**

- a. **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 hearing officer it would adversely impact the student's school experience. If the identity of a student witness is not disclosed, the hearing 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.

#### **6. Access to Information and Records**

- a. Parents/Guardians and/or legal counsel may ask the principal or designee for information about the incident/behavior of concern prior to the hearing, but within the limitations of Board policy on student records.
- b. At the hearing, the hearing officer 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.

**7. Failure to Attend Hearing**

Reasonable effort shall be made to ensure parent/guardian and when appropriate student attendance at the hearing. If the parent/guardian/student fails to attend the hearing, the hearing officer shall hold the hearing write the decision, and send a copy to the parent/guardian and the student.

**8. 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.

***The Hearing***

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

1. The hearing officer 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 discipline 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 hearing officer may let the investigators and other school personnel submit the relevant information to the extent feasible. This shall not preclude the hearing officer 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 hearing officer's control of the hearing.
6. The hearing officer may rely upon District and school records as well as information presented at the hearing.
7. The hearing officer 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 hearing officer should review all information and make decisions in light of the facts.
  - b. The hearing officer shall determine if the information supports the charge(s).
  - c. The hearing officer shall determine whether or not to expel the student.
2. Notice of Hearing Decisions to Parent/Guardian
  - a. The decision of the hearing officer 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 hearing officer 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 Deputy Superintendent review the expulsion by requesting such a review in writing or by telephone to the Deputy Superintendent within five (5) days of the receipt of the decision 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 Deputy Superintendent  
The hearing officer will forward all pertinent information to the Deputy Superintendent, including the hearing officer's decision and findings as to the facts.

### **Expelled Students**

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.

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.

### **Alternative Education Programs**

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.

### **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 or designee may determine that some credit be granted for work completed prior to the expulsion.

### **Readmission**

Students on transfer who are expelled have a right to return to the transfer school when the expulsion period ends and expulsion requirements have been met.

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

Except for those expelled for drug-related activities, students shall be readmitted to school after the period of expulsion. At the time of re-admittance the returning student and parent/guardian shall meet with an administrator and agree on a plan to support the student and protect the school from the behavior that resulted in the expulsion and promote student success. 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 principal or designee 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.

#### **3. Readmission from Level A Non-Compliant and Level B Expulsion**

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).

#### **4. Readmission from Level C Expulsion**

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/guardian 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

Students and/or their parent/guardian may request an appeal for any expulsion or delayed expulsion decision. Only the Superintendent may modify or reverse a mandatory expulsion for weapons or battery of staff.

### 1. Deputy Superintendent Level Review

**Request for Appeal:** Within five (5) working days of receiving the principal's or designee's letter of expulsion, the parent/guardian and student may request by phone or letter that the Deputy Superintendent review the hearing officer's decision.

**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 appeal hearing officer.

**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.

**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.

**Notice of the decision:** The Deputy Superintendent will make his/her decision within two working days and will inform the parent/guardian and student of his/her decision by letter. The notice shall state that the family may appeal to the board in writing or by phone to the Office of the Superintendent within five (5) days.

### 2. Board Level Review

**Request for Appeal.** 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 Deputy Superintendent.

**Making a decision:** The Superintendent or designee shall review the record, meet 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.

**Board vote:** The Board shall vote on the appeal at the next regular Board of Education following the Superintendent's summary and recommendation. The Board may uphold, modify, or reverse the appeals hearing officer decision.

**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.

### 3. Modifying an Expulsion Post-Appeal

**Request for modification:** After the time for an expulsion appeal has passed, any interested party, including the student's family, 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 is to be based on mitigating circumstances and may not include a request to reverse the original expulsion decision.

**Procedure.** The interested party submits a written request to the Superintendent that includes the reason for requesting the modification along with any supporting documentation.

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

**Notice of the decision:** The Superintendent or designee notifies the student's family of the decision. The Superintendent's decision is final and cannot be appealed..

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 Deputy Superintendent, to delay expulsions. If the decision by the hearing officer is to delay the expulsion and the school is informed that the student has not complied with any imposed intervention services conditions, the expulsion shall go into effect. Delayed expulsion is not an option for discipline action level 5 or 6.

The hearing officer 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 hearing officer 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, Deputy Superintendent, 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.

Reference: [4.30.021-AD](#), 4.30.022-AD