

EXPULSION

Only the board may remove a student from the school environment. The removal of a student from the school environment, which includes, but is not limited to, classes and activities, is an expulsion from school.

Students may be expelled for violations of board policy, school rules or the law. It shall be 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 shall be 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 principal shall keep records of expulsions in addition to the board's records.

When a student is recommended for expulsion by the board, the student shall be provided with:

1. Notice of the reasons for the proposed expulsion;
2. The names of the witnesses and an oral or written report on the facts to which each witness testifies unless the witnesses are students whose names may be released at the discretion of the superintendent;
3. An opportunity to present a defense against the charges and provide either oral testimony or written affidavits of witnesses on the student's behalf;
4. The right to be represented by counsel; and,
5. The results and finding of the board in writing open to the student's inspection.

In addition to these procedures, a special education student must be provided with additional procedures. A determination should be made of whether the student is actually guilty of 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. Discussions and conclusions of this meeting should be recorded.

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 school 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 school district.

1. Suspension of a student

The superintendent, principal, or vice principal, after hearing, may temporarily suspend any student for violation of the regulations, rules and discipline policy of the Fairfield Community School District and shall give notice of such temporary dismissal shall not exceed ten (10) days out of school or recommend to the board that the student be expelled. Some acts, on campus or at any school function, for which suspension or expulsion should be considered are:

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- a. Persistent absence or tardiness;
- b. Open or persistent defiance of authority and/or rules and regulations;
- c. Threatening, striking or assaulting any school employee;
- d. The threat or use of physical force upon another student which is not used in the defense of one's safety;
- e. Threat of physical assault on another pupil to obtain money or materials of value;
- f. Damaging school property;
- g. Habitual profanity;
- h. Theft;
- i. Failure to abide by corrective discipline measures such as detention, etc.;
- j. Possession of a weapon;
- k. Use, possession or sale of liquors, narcotics;*
- l. Smoking;*
- m. Any act committed by a student, which is detrimental to the health or physical well being of another.

*See Code No. 502.7

2. Procedure for hearing of expulsion recommendation

- a. The administration shall prepare a statement in writing in duplicate, duly describing the alleged misconduct, and the reason the administration is recommending that the student be expelled from school, and advising the student of the time and place of hearing, at which the student, the student's parents, or anyone the student chooses as a representative may appear and present such facts and statements which seem to be pertinent, and at which time and place, the committee of the Board of Directors will hear all facts presented and present its findings and make its recommendation to the board, which thereafter shall take such action which it deems necessary and proper, pursuant to the rules and regulations and the discipline policy of the Fairfield Community School District, and the laws of the State of Iowa.

3. Procedure for hearing of expulsion recommendation (continued)

- b. One copy of the Notice shall be filed with the president of the Board of Directors, and another served upon the student. The administration shall endeavor to obtain service upon the student by serving the student personally, in which case the person serving the notice shall make proper acknowledgment of service himself or herself, or by obtaining the student's acknowledgment of service. If the administration is unable to obtain such an acknowledgment, it may mail the complaint by registered mail to the student's last local address, according to the records of the School District. Once there is a decision to recommend expulsion, the parent and student will be notified of such in writing. The hearing shall be held on a date not later than five (5) days subsequent to the date of temporary suspension.
- c. Promptly following the receipt of a copy of the notice and of the acknowledgment or certification of service, the president of the school board shall constitute a hearing panel of not less than three persons, consisting of at least three directors of the school district.

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- d. At the hearing, the student may be accompanied by the student's parents, by legal counsel, or by any other advisor of the student's choice. The school district may also be advised by its legal advisor. The hearing panel, in its discretion, may postpone the hearing upon request when it deems such postponement necessary or appropriate; but a request for postponement for the convenience of legal counsel shall ordinarily be refused.
- e. If the student should desire a more expeditious and informal procedure, the student may so indicate. The hearing panel shall make every effort to work out such a procedure with the student.
- f. At the hearing, the student may respond to the complaint orally or in writing. The response may admit or deny the allegations of the notice in whole or in part. The student may also offer any explanation or comment that the student believes relevant or appropriate.
- g. Each party to the hearing, directly or through their legal advisor, may introduce evidence, witnesses to testify, or statements in writing; and they may testify in their own behalf. To the extent that either party may rely on written statements as evidence, they shall clearly indicate how and from what source the evidence has been obtained. Each party shall have an opportunity to question any witnesses, either directly or through legal counsel, or other advisor. If the hearing panel should find it necessary to limit the number of witnesses in order to protect the hearing against disruption, confusion or unwarranted dilatory tactics, it shall have the authority to do so. The proceedings shall be administrative, and shall not be conducted as an adversary proceeding.
- h. If the student shall fail to appear at the hearing; or if, having appeared, shall make no response to the complaint, the hearing panel shall nevertheless invite the School Administration to submit evidence in support of the complaint.
- i. If a party to the hearing should deliberately conduct themselves in a manner disruptive of the hearing, the hearing panel shall be authorized to exclude the party and to proceed with the hearing as if the party had not personally appeared.
- j. Provisions shall be made either for a transcript or for a verbatim record in the form of a tape recording of the hearing. The complaint, the student's response, the transcript or record, and all other papers in the proceeding except the final disposition of the case, shall be for use only in the proceeding and in the internal processes of the school only in the proceeding and in the internal processes of the School District related thereto; and that no such transcript, record or papers shall be voluntarily disclosed to any person outside the School District, except with the student's consent.
- k. The hearing panel shall consider all relevant evidence introduced at the hearing and make its findings of facts. No matter, not introduced as evidence at the hearing, shall be considered in making such findings. Improperly acquired evidence shall be excluded.

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1. Within five (5) days after the hearing, the school board shall consider the relevant evidence and determine such disciplinary action as it deems to be appropriate, based upon the relevant evidence and the findings of facts of the hearing panel, together with the student's prior record, as submitted by the School Administration, and consistent with the rules and regulations and the discipline policy of the School District and the laws of the State of Iowa. The entire record, as submitted, shall be open to the student for inspection. The school board shall properly notify the student, as well as the superintendent, or the person designated by him, concerning the board's findings of facts and determination.

- m. Within three (3) days after receiving notice of expulsion or other disciplinary action, the student may request reconsideration by the school board stating the reasons. The school board, in its discretion, may deny such request and proceed to give effect to the expulsion or other disciplinary action; or it may grant the request and after reconsideration, either amend or confirm its determination. It shall then proceed to give effect to its final determination.

Guidelines for Dealing with the Problem Student (For Secondary Students Only)

To maintain a desirable educational atmosphere for all students in the classroom, the following steps should be taken when dealing with a problem student.

1. A conference should be held between the student and instructor with the goal of defining the problem and outlining the solution. This should be documented, dated, and filed.
2. A teacher must try all possible methods of helping the student and solving the problem.
3. If the above fails, a conference should be held between the student, the instructor, and parent outlining the solution. This should be documented, dated, and filed. One copy should be retained by the instructor, one copy given to the student, and one copy to the parent.
4. Continued difficulty would constitute a written report to the principal accompanied by a copy of the first conference report and a letter to the parents for support. A conference should be held with the student, instructor and principal or counselor and a solution outlined.
5. Continued difficulty will require removal of the student from class by the principal with loss of credit for the class.

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 (1995).
281 I.A.C. 12.3(8).

Cross Reference: 502 Student Rights and Responsibilities
503 Student Discipline

ALTERNATIVE TO OUT OF SCHOOL SUSPENSIONS

1. Saturday classes will be held for students that require disciplinary action, which is severe enough for a suspension. The students will serve the number of Saturdays it takes to equal the length of the suspension that is given. Saturday classes will be held from 8:00 a.m. to noon. This will equal one day of suspension.
2. In this program, the students receive regular classroom assignments to work on during each session. The lessons may be in subjects which the student(s) is having some problems. They will be working under the supervision of a regular classroom teacher who can provide tutoring if needed.
 - (a) All work and books will be brought at the beginning of the session.
 - (b) The regular classroom teacher will have the responsibility of making out assignment sheets and grading the work done.
3. If a student receives a suspension on Monday-Tuesday-Wednesday, their Saturday class will start the Saturday of that week. If it occurs on Thursday-Friday, it will be a week from the following Saturday. The Saturdays will run consecutive until suspension is completed. Exceptions-Saturdays that are included in vacation periods.
4. Supervising teachers for this program will be selected from the regular faculty on a voluntary basis.
5. One short break period will be allowed (5 minutes) for students to go to the restrooms.
6. Students will not be allowed to attend or participate in school activities for the time of their suspension. This, however, would be consecutive school days and not Saturdays. All guidelines covering activities will still remain enforced.
7. Parents will be responsible for bringing and picking students up from Saturday classes.
8. Parents will receive letters informing them of the suspension and the dates for the Saturday's classes.
9. The option will still be given to the school administrator to remove a student from the school setting if they feel it is necessary. For suspension longer than 5 days, a combination of out-of-school suspension and Saturday suspension may be used.
10. If a student assigned to Saturday class session does not show up, the student will then be given up to a five-day out-of school suspension and must appear with their parents before the Board of Directors Committee before he/she may return to school. The Saturday suspension still must be served after meeting with the board.

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