

The board may deny a student enrollment, or may deny a student attendance at any of its schools by expulsion, for the following reasons:

1. The student is a habitual truant, is incorrigible, or whose conduct, in the judgment of the board, is such as to be continually disruptive of school discipline or of the instructional effectiveness of the school, or whose presence in a public school is detrimental to the health and safety of other students.
2. The student has been expelled from another school district in this state or any other state.
3. The parent/guardian fails to furnish, or to request of the out-of-state school from which the student is transferring, school records for a student transferring into this district. The parent/guardian of a student transferring from out-of-state to a school in this district is required, if requested, to furnish the district accurate copies of the student's school records, including records containing information concerning violent or disruptive behavior or disciplinary action involving the student.

Any student having been denied enrollment or expelled may be enrolled or readmitted to school by the board upon such reasonable conditions as may be prescribed by the board; but such enrollment or readmission will not prevent the board from subsequently expelling such student for cause.

The board will expel from school for a period of not less than one (1) year, twelve (12) calendar months, or may deny enrollment to, a student who has been found to have carried a weapon or firearm on school property in this state or any other state, except that the board may modify the expulsion or denial of enrollment order on a case-by-case basis. An authorized representative of the board will report such student and incident to the appropriate law enforcement agency.

Discipline of a student with disabilities will be in accordance with the requirements of federal law Part B of the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act (Section 504) as well as the provisions of this policy.

No student will be expelled or denied enrollment without first receiving the following due process rights as set forth below:

1. Upon written notice, by the principal or his/her designee, to the Superintendent of the intent to proceed with a recommendation for expulsion, the Superintendent or his/her designee shall start the review process;
2. The superintendent, or his/her designee, will give written notice to the parent/guardian of the student;
3. The notice will state the grounds for the proposed expulsion or denial of enrollment and the time and place where such parent/guardian may appear for a review

hearing to contest the recommendation of the principal or his/her designee that school attendance be denied;

4. The notice will also state the right of the student to be represented by counsel, to produce witnesses, and submit evidence on his or her own behalf, and to cross-examine any adult witnesses who may appear against him or her.

5. The principal or his/her designee shall have the burden of proof to establish that the student committed a disciplinary violation and that the recommended actions are supported by the evidence. The evidence presented must be of the type upon which reasonable persons rely in serious matters.

6. Within two (2) school days after the review hearing the Superintendent shall issue a written decision. A copy of the decision shall be mailed or hand-delivered to the parent/guardian. The written decision shall include the appeal rights of the parent/guardian.

In the event the Superintendent finds expulsion or denial of enrollment appropriate, the matter shall be automatically referred to the Board of Trustees for a formal expulsion hearing.

Board of Trustees Review

The Clerk of the Board will give written notice to the parent/guardian of the student;

The notice will state the grounds for the proposed expulsion or denial of enrollment and the time and place where such parent/guardian may appear to contest the action of the board to deny school attendance;

The notice will also state the right of the student to be represented by counsel, to produce witnesses, and submit evidence on his or her own behalf, and to cross-examine any adult witnesses who may appear against him or her.

Within a reasonable period of time following such notification, the board will grant the student and his or her parent/guardian a full and fair hearing on the proposed expulsion or denial of enrollment.

The board will allow a reasonable period of time between such notification and the holding of such hearing to allow the student and the parent/guardian to prepare their response to the charge.

The administration shall have the burden of proof to establish that the student committed a disciplinary violation and that the recommended actions are supported by the evidence. The evidence presented must be of the type upon which reasonable persons rely in serious matters.

Within five (5) school days after the hearing before the Board of Trustees, the Board shall issue a written decision. The Board of Trustees may accept or reject the recommendation of the principal or designee, modify the recommendation, or set forth other disciplinary sanctions it determines appropriate on a case-by-case basis. It may further expel a student permanently. A copy of the decision shall be mailed or hand-delivered to the parent/guardian. The parent/guardian has no right to seek judicial review of the Board's decision.

If no disciplinary action is found to be warranted by the Board of Trustees, all notations and records of the alleged disciplinary action shall not be placed in the student's educational record.

Any student who is within the age of compulsory attendance, who is expelled or denied enrollment as herein provided, will come under the purview of the Juvenile Corrections Act, and an authorized representative of the board will provide, within five (5) days, written notice of the expulsion to the prosecuting attorney of the county of the student's residence in such form as the court may require under the provisions of the Juvenile Corrections Act.



LEGAL REFERENCE:

Idaho Code Sections

- 33-205
- 33-209
- 20-527

ADOPTED: April 13, 2004

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