

### **Vallivue School District 139**

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.

#### **WEAPONS VIOLATION**

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.

#### **SPECIAL EDUCATION STUDENTS**

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.

#### **DUE PROCESS RIGHTS**

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

1. The board, through the superintendent or his or her designee, will give written notice to

- the parent/guardian of the student;
2. 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;
  3. 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.
  4. 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.
  5. 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.
  6. Any student who was within the age of compulsory attendance at the time of the violation(s), 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.

**VALLIVUE SCHOOL DISTRICT ADMINISTRATIVE REVIEW TEAM**

The Board of Trustees of Vallivue School District hereby establishes an Administrative Review Team to operate under the direction of the superintendent. The Administrative Review Team, after holding a hearing, may determine that expulsion of a student is appropriate. The Administrative Review Team shall put its decision in writing within five (5) school days and mail a copy of the decision to the parent/guardian of the student. The letter shall set forth the appeal process for Board review available to the parent/guardian if he/she disagrees with the written decision. In the event the parent/guardian appeals the Administrative Review Team's decision, it will not be implemented pending the appeal, although the student may be further suspended pending the hearing before the Board of Trustees.

The Administrative Review Team will conduct all discipline hearings. This includes all misconduct issues presented by the administration. The review team's decision will be binding on the administration; therefore, administrators may not recommend expulsion to the Board if the review team determines that expulsion is not warranted. A parent/guardian may appeal an Administrative Review Team's decision to the Board of Trustees. Upon appeal, a de novo hearing, with the trustees having access to the review team's determination, shall be conducted. A student must exhaust the Administrative Review Team process before the Board of Trustees will hear the matter. The Administrative Review Team has the authority to impose such disciplinary measures as deemed necessary, such as behavior contract, conditions for probation, etc. The superintendent, or his designee, has the authority to serve as hearing officer for

Administrative Review Team. The Board of Trustees may appoint a hearing officer to assist it in the hearing process in the event a parent/guardian appeals the Administrative Review Team's decision and requests a de novo hearing before the Board.

**PROCEDURE**

The Board of Trustees of the school district shall establish the procedure to be followed by the superintendent and principals under its jurisdiction for the purpose of affecting an expulsion, which procedure must conform to the minimal requirements of due process (see Administrative Procedures for Suspension and Expulsion),

**STUDENTS EXPELLED FROM OTHER DISTRICTS**

The Vallivue Board of Trustees may deny attendance at any of its schools by expulsion of any pupil who has been expelled from another school district utilizing the same procedure established for expulsion of a Vallivue student as defined in policy, administrative procedure and the established student hearing manual. The only issue to be reviewed by the Administrative Review Team is whether the student being denied attendance was expelled from another school district. The issues surrounding the prior expulsion will not be reviewed.



**LEGAL REFERENCE:**

- Idaho Code Sections
- 33-205
- 33-209
- 20-527

**ADOPTED: 5/10/76 (replaces existing policy 502.2)**

**AMENDED: 10/8/84, 10/11/94, 11/8/94, 9/12/95, 2/13/96, 2/9/99, 2/2/02, 4/13/04, 10/12/04, 11/12/04, 6/12/07, 3/8/11, 1/8/13, 3/11/14, 3/10/15**