

# THE DELTA ACADEMY

## **DISCIPLINE: EXPULSION PROCEDURES**

- I. Expulsion is the removal of a student from school for dangerous and/or antisocial behavior. The procedure for determining whether a student should be recommended for expulsion is set forth below:
  - a. The principal shall report any violation of the law to the appropriate law enforcement agency. Principal as used in this Regulation means the principal or designee.
  - b. The principal or designee shall suspend the student by use of a "Notice of Suspension" pending further investigation by administration and review of the facts, which may lead to a recommendation for expulsion.
  - c. Within three (3) school days of the suspension, the principal or designee, must conduct a hearing with the student and the student's parent(s) or legal guardian(s), to discuss the investigation of the incident, the violation of school rules and/or regulations, and the student's prior discipline history, as well as any information submitted that the parent(s) or legal guardian(s) would like the principal to consider as it relates to the suspension and the possible recommendation for expulsion.
  - d. At the conclusion of the hearing, the principal or designee shall make a decision regarding the disciplinary action, which may include removal from the day school and placed in the online program or a recommendation for expulsion. The principal or designee must recommend expulsion if it is determined at the hearing the student has or is believed to have committed any of the following offenses: Battery on a school employee; Battery to a student with significant injury; Possession of a firearm, including a weapon as defined by the Gun-Free Schools Act or any weapon deemed to be dangerous and/or; Possession of drugs or alcohol with intent to distribute, which require a mandatory recommendation for expulsion.
  - e. If the student is to be recommended for expulsion, the parent(s) or legal guardian(s) must be informed of the due process procedures available. The parent(s) or legal guardian(s) must decide whether to contest or not contest the expulsion and sign a statement to that effect. If the parent does not sign the statement, the expulsion will be treated as a contested expulsion. The parent(s) or legal guardian(s) will be provided in writing with the due process procedures available. These procedures will be provided during the hearing with the principal or designee, or with the written decision.
- II. The following levels of due process are available to the parent(s) or legal guardian(s) of a student who is being recommended for expulsion:
  - a. A hearing will be conducted by the school principal, or designee. The principal will disclose information obtained during the investigation of the incident which resulted in the recommendation for expulsion. This information, as well as the student's prior disciplinary record, will be reviewed with the student and the parent(s) or legal guardian(s). The parent(s) or legal guardian(s) must be allowed to present any information to the principal that the parent(s) or legal guardian(s) would like the principal to consider. The student must also be allowed to be heard regarding the incident resulting in the recommendation for expulsion.
  - b. At the conclusion of the hearing, the principal shall inform the parent(s) or legal guardian(s) of the decision and must within two (2) school days following the hearing provide written notice to the parent(s) or legal guardian of the decision regarding the recommended expulsion.

- c. If the decision to recommend expulsion is upheld by the principal, the principal will forward the required documentation to the Superintendent within two (2) school days.
- d. Within three (3) school days of receiving the principal's recommendation, the Superintendent will review the recommendation to assure compliance with due process procedures and evaluate the appropriateness of the discipline recommended. The Superintendent will determine whether the recommended expulsion should be limited or permanent as defined in Section III(D)(4), or modified.
- e. Within two (2) school days after a determination has been made, the Superintendent will notify the parent(s) or legal guardian(s) of the recommendation and determination.
- f. If the decision to recommend expulsion is upheld and the parent(s) or legal guardian(s) decides to contest the expulsion recommendation, the parent(s) or legal guardian(s) must notify the Superintendent of the intent to contest the recommendation for expulsion within fourteen (14) days of receiving notice of the recommendation for expulsion.

III. GOVERNING BOARD REVIEW

- a. During a closed session of a regular board meeting, the Governing Board will conduct an evidentiary hearing at which both, a school administrator(s) and the student, parent(s) or legal guardian(s), may present evidence, testimony, and argument related to the student's alleged misconduct and the appropriate discipline in view of all the circumstances, including any prior disciplinary intervention(s) by the school. The evidence and testimony may be directed to the incident itself and/or to the character of the student, including, for example, no more than three (3) other persons familiar with the character or background of the student. Such evidence may not include testimony or other evidence regarding the school disciplinary status of other students who may have been involved in the incident.
- b. The student may be represented by legal counsel if the parent(s) or legal guardian(s) so desires, at no expense to the school.
- c. The Governing Board must make the following determinations:
  - i. What disciplinary offense, if any, has been committed by the student; and
  - ii. If the student has committed a disciplinary offense, what is the appropriate consequence and educational placement considering the nature of the offense, the student's disciplinary history for one (1) calendar year prior to the date of the subject offense, as well as the student's overall academic record or any other academic concerns.
- d. The decision of the Governing Board is final and binding.