

MITCH CHARTER SCHOOL
Expulsion

The Executive Director, after reviewing available information, may decide that a student be expelled. Expulsion of a student shall not extend beyond one calendar year. No student may be expelled without a hearing unless the student's parents waive the right to a hearing, either in writing or by failure to appear at a scheduled hearing. By waiving the right to a hearing, the student and the parent/guardian agree to abide by the findings of the hearings officer conducting the hearing.

When an expulsion hearing is not waived, the following procedure is required:

1. Notice will be given to the student and the parent by personal service or by certified mail at least five days prior to the scheduled hearing. Notice will include:
 - a. The specific charge or charges;
 - b. The conduct constituting the alleged violation, including the nature of the evidence of the violation;
 - c. A recommendation for expulsion;
 - d. The student's right to a hearing;
 - e. When and where the hearing will take place; and
 - f. The right to representation.
2. The Executive Director or designee will act as hearings officer and will conduct the hearing.
3. MITCH will provide an interpreter in any case where the parent or student has difficulty understanding the English language or has any other serious communication disability.
4. The student will be permitted to have a representative present at the hearing to advise and to present arguments. The representative may be an attorney or parent. The school's attorney may be present.
5. The student will be afforded the right to present his/her version of the charges and to introduce evidence by testimony, writings, or other exhibits. The student will be permitted to be present and to hear the evidence presented by the school.
6. The hearings officer will determine the facts of each case on the evidence presented at the hearing. Evidence may include the relevant past history and student records.
7. The hearings officer or the student may make a record of the hearing.
8. Findings of fact as to whether the student has committed the alleged conduct will be submitted to the Board, along with the officer's decision on disciplinary action, if any, including the duration of any expulsion. This decision will be available in identical form to the Board, the student and the student's parents or guardians at the same time.

9. The hearings officer's decision is final and will be based on the evidence presented at the expulsion hearing. However, the decision may be appealed to the Board by the student's parent/guardian.

10. If the hearings officer's decision is appealed, the Board, at its next regular meeting, will review the hearings officer's decision and will affirm, modify or reverse the decision. Parents/guardians of students or administrators who wish to appeal the hearing officer's decision will have the opportunity to be heard at the time the Board reviews the decision. However, no new evidence may be presented to the Board that was not presented at the expulsion hearing. If any new information comes to light subsequent to the expulsion hearing, that information must be presented to the hearings officer for consideration.

11. The Board retains the right to review all hearing officer decisions, as well as the right to remand, reverse, sustain, modify or uphold the decision of the hearing officer. The Board's decision on any appeal shall be writing and delivered by mail to the student and his/her parents/guardians.

12. Expulsion hearings will be conducted in private and Board review of the hearings officer's decision will be conducted in executive session unless the student or the student's parent requests a public hearing. If a private hearing is conducted by the hearings officer or an executive session is held by the Board, the following will not be made public:

- a. The name of the minor student;
- b. The issues involved;
- c. The discussion;
- d. The vote of the Board members, which may be taken in executive session.

Prior to expulsion, MITCH must consider alternative programs of instruction or instruction combined with counseling to the student. The school must document that information regarding alternative placement has been given to the parent or guardian of the student. MITCH must notify the resident district of the student of the impending expulsion.

END OF POLICY

Legal Reference(s):

ORS 192.660; ORS 332.061; ORS 336.615- 336.665; ORS 339.115; ORS 339.240;
ORS 339.250; ORS 339.260; OAR 581-021-0050; OAR 581-021-0070.