

STUDENT EXPULSION

Board Policy

The Board of Trustees of the Shelley Joint School District No. 60 establishes the following to deal with those situations when a student refuses or consistently fails to abide by school regulations and policies in such a way that his/her continued attendance may interfere intolerably with the educational processes or the safety and welfare of school personnel or other students.

Suggested Implementation Guidelines

- A. The Board of Trustees may deny attendance or enrollment at any of the district's schools by expulsion, to any student who is:
1. A habitual truant;
 2. Incurable;
 3. Such as to be continuously disruptive of school discipline;
 4. Continuously disruptive of the instructional effectiveness of the school;
 5. Detrimental to the health and safety of other students by their presence;
 6. Or has been expelled from another school.
- B. Any student having been denied enrollment, or expelled, may be enrolled or readmitted to the school by the Board of Trustees upon reasonable conditions as prescribed by the Board.
1. Such readmittance shall not prevent the Board from expelling the student for cause.
- C. The Board shall expel from school for a period of not less than one (1) full year, or may deny enrollment to a student who has been found to have carried a weapon or firearm on school property in Idaho or any other state.
1. The Board may modify the expulsion or denial of enrollment order on a case-by-case basis.
 2. Weapon is defined in this policy to include, but not be limited to:
 - a. explosives;
 - b. flammable materials;
 - c. any firearm;
 - d. knife;
 - e. martial arts instrument;
 - f. destructive devices;
 - g. chains;

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- h. or any replica or facsimile of the above, whether functional or nonfunctional, whether designed for use as a weapon or for some other use.
 3. The Board of Trustees shall direct the Superintendent or Building Principal to report the student and incident to the appropriate law enforcement agency.
- D. No student shall be expelled nor denied enrollment without the Board of Trustees having first provided due process rights.
 1. The Board, through the Superintendent or designee, shall give written notice to the parents or guardian of the student. The notice shall:
 - a. State the grounds for the proposed expulsion;
 - b. State the time and place where the parent or guardian may appear to contest the action;
 - c. State the rights of the student:
 - 1) to be represented by counsel;
 - 2) to produce witnesses;
 - 3) to submit evidence on his/her behalf;
 - 4) to cross-examine any adult witnesses who may appear against him/her.
 2. Within a reasonable period of time following such notification, the Board of Trustees shall grant to the student and his/her parents or guardian a full and fair hearing on the proposed expulsion or denial of enrollment.
 3. The Board shall allow a reasonable period of time between the notification and the holding of the hearing to allow the student and his/her parents or guardian to prepare their response to the charge.
- E. Any student who is within the age of compulsory attendance, who is expelled or denied enrollment as provided by this policy and Idaho Code 33-205, shall come under the purview of the youth rehabilitation law (Juvenile Corrections Act).
 1. The Superintendent or designee, representing the Board shall file a petition with the magistrate division of the district court of the County of the student's residence in such form as the court may require (Idaho Code 20-527).
- F. The Board of Trustees shall sit in a quasi-judicial capacity in such hearing and may also wish to be represented by legal counsel to help assure due process.

Revised: August 15, 2001