Student Personnel

Series 500

Policy Title: Student Expulsion Code No. 503.2

Whenever the Superintendent or any Principal or Vice-Principal deems the presence of a student detrimental to the best interests of the school, he or she may temporarily suspend him/her and recommend to the Board of Directors that such student be expelled.

Suspension to consider expulsion:

The Superintendent and/or any Principal or Vice-Principal, in the event of a serious breach of discipline, may suspend a student for a period of up to ten (10) school days. This suspension shall be to the pupil's home and shall require that during the period of suspension, the pupil and his parent(s) or guardian(s) meet and confer with the building principal to consider whether or not the pupil will be recommended for expulsion. The Principal shall determine at said conference whether or not the breach of discipline is of such nature as to be submitted to the Board of Directors at their next regular meeting or a special meeting called for that purpose to consider the expulsion of the student from school. The student will be required to make up unit, nine-week, and semester tests that occur during the suspension period and daily work will be provided to the student on a home-bound basis.

Expulsion Proceedings:

The Principal shall prepare a statement in writing in triplicate, duly describing the alleged misconduct, and the reason the administration is recommending that the student be expelled from school, and advising the student of the time and place of the hearing of the Board of Directors at which the student, his/her parents, or anyone he/she chooses to represent him/her, may appear and present such facts and statements which seem to be pertinent.

One copy of the notice shall be filed with the President of the Board of Directors, another with the Superintendent, and another served upon the student. The administration shall endeavor to obtain service upon the student by serving him/her personally, in which case the person serving the notice shall either obtain the acknowledgment from the student or shall make proper acknowledgment of service him/herself or it may mail the complaint by registered mail to the student's last local address according to the records of the school district. The notice shall be served within five (5) school days of the date of suspension to consider expulsion and if personal service is impossible, it shall be mailed on or before that date. The hearing shall be held on a date not later than seven (7) school days subsequent to the serving of the notice.

At the hearing, the student may be accompanied by his/her parents, by legal counsel, or by any other advisor of his/her choice. The school district may also be advised by its legal advisor. The Board of Directors, in its discretion, may postpone the hearing upon request
when it deems such postponement necessary or appropriate; but a request for postponement for the convenience of legal counsel shall ordinarily be refused.

At the hearing of the Board of Directors, the student may respond to the complaint orally or in writing. The response may admit or deny the allegations of the notice in whole or in

part. The student may also offer any explanation or comment that he/she believes relevant or appropriate.

Each party to the hearing, directly or through his/her legal advisor, may introduce evidence, witnesses to testify, or statements in writing; and he/she may testify in his/her own behalf. To the extent that either party may rely on written statements as evidence, the parties presenting evidence shall clearly indicate how and from what source the evidence has been obtained. Each party shall have an opportunity to question any witnesses, either directly or through his/her legal counsel, or other advisor. If the Board of Directors should find it necessary to limit the number of witnesses in order to protect the hearing against disruption, confusion, or unwarranted dilatory tactics, it shall have the authority to do so. The proceedings shall be administrative, and shall not be conducted as an adversary proceeding.

If the student shall fail to appear at the hearing, or if, having appeared, he/she shall make no response to the complaint, the Board of Directors shall, nevertheless, invite the school administration to submit evidence in support of the complaint.

If a party to the hearing should deliberately conduct him/herself in a manner disruptive of the hearing, the Board of Directors shall be authorized to exclude him/her and to proceed with the hearing as if he/she had not personally appeared.

Provisions shall be made either for a transcript or for a verbatim record in the form of a tape recording of the hearing. The complaint, the student's response, the transcript or record, and all other papers in the proceedings except the final disposition of the case, shall be for use only in the proceeding and in the internal processes of the school district related thereto. No such transcript, record, or papers shall be voluntarily disclosed to any person outside the school district except with the student's consent.

The Board of Directors shall consider the relevant evidence and determine such disciplinary action as it deems to be appropriate, based upon the relevant evidence and the student's prior record, as submitted by the school administration, and consistent with the rules and regulations and the discipline policy of the school district and the laws of the State of Iowa. The entire record, as submitted shall be open to the student for inspection. The school board shall notify the student in writing of the Board's determination within ten (10) calendar days of the date of the hearing, as well as the Superintendent, or the person designated by him/her, concerning the Board's findings of the facts and determination.

Within three (3) school days after receiving notice of expulsion or other disciplinary action, the student may request reconsideration by the school board, stating his/her reasons. The school board, at its discretion, may deny such request, and proceed to give effect to the expulsion or other disciplinary action; or it may grant the request, and after reconsideration, either amend or confirm its determination. It shall then proceed to give effect to its final determination.

In addition to these procedures, a special education student must be provided with additional procedures. A determination should be made of whether the student is actually guilty of the misconduct. A staffing team should determine whether the student's behavior is caused by the student's disability and whether the conduct is the result of inappropriate placement. Discussions and conclusions of this meeting should be recorded.

If the special education student's conduct is not caused by the disability, the student may be expelled or suspended for a long-term period following written notice to the parent and pursuant to the school district's expulsion hearing procedures. If the misconduct is caused by the disability and a change in placement is recommended, the change must be made pursuant to the placement procedures used by the school district.

Date of Adoption:
January 8, 2014

Legal References (Code of Iowa):
Chapters 282.4, 282.5, 279.8,
Goss vs. Lopez, 95S. CT. 729 (1975)
Wood vs. Strickland, Feb., 1974.

Date Amended:

Related Administrative Rules and Regulations:

Date Reviewed:
August 16, 2023