

It is the goal of Cassia County School District No. 151 to maintain an atmosphere which is conducive to learning and which ensures the educational rights of students, the reasonable exercise of authority by school personnel, and a fair and reasonable procedure to assure each individual student's rights.

Faculty and administrators will make every effort to informally resolve student disciplinary problems at the earliest indication that a problem exists. They will utilize all district resources to achieve this goal in cooperation with the student and his/her parent(s) or guardian(s).

The procedural protections set forth in this policy do not preclude the district from taking emergency action as necessary to maintain the health and safety of the student, other students, district personnel, and visitors.

Students charged with a violation of school policy that warrants a Pre-Expulsion Hearing conducted by the District Discipline Referral Committee (hereafter referred to as DDRC) will be given written notice. The charges, the date and time of the scheduled Pre-Expulsion Hearing, the student's right to be represented by counsel, produce witnesses and present evidence on his/her own behalf, cross-examine adult witnesses who may appear against him/her, and the appeal process will be outlined in the written notice.

Violations of school district policy that warrant a review by the DDRC include, but are not limited to: knife possession; possessing or using mood altering substances; and incorrigible behavior.

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, as well as the provisions of this policy.

The decision of the DDRC will be communicated to the parent(s) or guardian(s) within twenty-four (24) hours of the hearing. If the charge against the student results in a recommendation for expulsion by the DDRC, the student will subsequently appear before the Board of Trustees for a formal expulsion hearing. The student will be notified in writing of the specified time and place. If the student does not wish a hearing before the Board of Trustees, he/she must affirmatively waive his/her right in writing.

APPEAL RIGHTS FOR (DDRC) PRE-EXPULSION HEARING DECISION

The parent(s) or guardian(s) may submit a written appeal, setting forth the reasons therefore, which must be filed with the superintendent's office within five (5) school days after the findings of fact and decision have been relayed to the student's parent(s) or guardian(s). The superintendent must review and issue a decision on the appeal within five (5) school days after the appeal was received.

If the superintendent affirms the decision of the DDRC, the student's parent(s) or guardian(s)

may appeal the committee's decision to the Board of Trustees.

The written appeal to the Board of Trustees, setting forth the reasons therefore, must be filed with the superintendent's office within five (5) school days after the superintendent's decision was mailed to the student's parent(s) or guardian(s). The Board of Trustees must review and issue a decision on the appeal within ten (10) school days after the appeal was received. The Board of Trustees decision will be final.

NOTICE OF A PROPOSED EXPULSION HEARING

When the conduct of the student warrants an expulsion hearing as recommended by the DDRC, written notice of the charges against a student will be provided to the student and his/her parent(s) or guardian(s). The notice shall also include all of the following: the date and time to appear before the Board of Trustees, the right of the student to be represented by counsel, to produce witnesses and submit evidence on his/her own behalf, and to cross-examine adult witnesses who may appear against him/her. The hearing on the charges will occur within no less than five (5), nor greater than fifteen (15) school days of the date written notice is given unless there is good cause for variance or mutual written agreement by both parties.

CONDUCTING THE HEARING

Unless there is good cause for variance or written agreement by the parties otherwise, the hearing will be scheduled not less than five (5), nor greater than fifteen (15), school days from the date notice of the hearing was provided.

Both the student and his/her parent(s) or guardian(s) are entitled to attend the expulsion hearing. The student may be represented by counsel at the hearing. The student may present evidence and call witnesses in support thereof. The student will also be permitted to hear any evidence presented against him/her, as well as question adult witnesses who may testify against him/her.

An interpreter will be provided if the parents and/or witnesses cannot speak English.

The Board of Trustees will issue a written decision within two (2) school days. The written decision will include a summary of the facts presented at the hearing, a reference to the violation of school policy, and a statement of the disciplinary action to be taken by the school district, if any. Copies of the findings of fact and decision will be mailed to the student and his/her parent or guardian, and filed in the student's discipline record.



LEGAL REFERENCE:

Idaho Code Section 33-205

ADOPTED: May 8, 2000

AMENDED: June 13, 2006

AMENDED: February 22, 2011

AMENDED: November 26, 2013

AMENDED: February 21, 2019

AMENDED: August 15, 2019

AMENDED: June 18, 2020