

## 4.31—EXPULSION

The Board of Education may expel a student for a period longer than ten (10) school days for violation of the District's written discipline policies. Students may be expelled for conduct:

- Deemed to be of such gravity that suspension would be inappropriate;
- Where the student's continued attendance at school would disrupt the orderly learning environment; or
- Would pose an unreasonable danger to the welfare of other students or staff.

Expulsion shall not be used to discipline a student in kindergarten through fifth (5<sup>th</sup>) grade unless the student's behavior:

- a. Poses a physical risk to himself or herself or to others;
- b. Causes a serious disruption that cannot be addressed through other means; or
- c. Is the act of bringing a firearm on school campus.

The Principal or his/her designee shall give written notice to the parents, legal guardians, persons having lawful control of the student, or persons standing in loco parentis (mailed to the address reflected on the District's records) that he/she will recommend that the student be expelled for the specified length of time and state the reasons for the recommendation to expel. The notice shall give the date, hour, and place where an appeal to the Appeal Review Committee may be filed.

The Appeal Review Committee will function as follows:

1. A hearing of the recommendation for expulsion will be held by the Administrative Review Committee under the supervision of the Assistant Superintendent for Personnel, or his or her designee. This committee will be selected by the Assistant Superintendent for Personnel, or his or her designee, when a request is made in writing within five days from the date of the student's notification of pending expulsion. This hearing will normally be conducted within five business days after receiving the request for a hearing.
  2. The recommendation of the Administrative Review Committee shall be final unless modified or rejected by the Board of Education at its next regular meeting or unless an appeal is made to the Board of Education. At the conclusion of the Administrative Review hearing, the assistant Superintendent for Personnel, or his or her designee, shall furnish to the student and his or her parents;
  3. Complete instructions on the procedure for readmission to school should the committee find in the student favor; (b) information on their right to appeal to the Board and the procedures to be followed should the committee endorse the administration's recommendation for expulsion.
- D. No appeal will be heard by the Board unless the student has appeared before Administrative Review Committee and presented a written notification of appeal to the Superintendent within five days following the receipt of the written decision of the Administrative Review Committee.

If the student appeals the expulsion to the Board, the President of the Board, Board attorney, or other designated Board member shall preside at the hearing. The student may choose to be represented by legal counsel. Both the district administration and School Board also may be represented by legal counsel. The hearing shall be conducted in open session of the Board unless the parent, legal guardian, person having lawful control of the student, person standing in loco parentis, or student if age eighteen (18) or older, requests that the hearing be conducted in executive session. Any action taken by the Board shall be in open session.

During the hearing, the Superintendent, or designee, or representative will present evidence, including the calling of witnesses, who gave rise to the recommendation of expulsion. The student, or his/her representative, may then present evidence including statements from persons with personal knowledge of the events or circumstances relevant to the charges against the student. Formal cross-examination will not be permitted; however, any member of the Board, the Superintendent, or designee, the student, or his/her representative may question anyone making a statement and/or the student. The presiding officer shall decide questions concerning the appropriateness or relevance of any questions asked during the hearing.

Except as permitted by policy 4.22, the Superintendent shall recommend the expulsion of any student for a period of one (1) year for possession of any firearm prohibited on school campus by law. The Superintendent shall, however, have the discretion to modify the expulsion recommendation for a student on a case-by-case basis. Parents, legal guardians, persons having lawful control of a student, or persons standing in loco parentis of a student enrolling from another school after the expiration of an expulsion period for a weapons policy violation shall be given a copy of the current laws regarding the possibility of parental responsibility for allowing a child to possess a weapon on school property. The parents, legal guardians, persons having lawful control of the student, or persons standing in loco parentis shall sign a statement acknowledging that they have read and understand said laws prior to the student being enrolled in school.

The District shall establish programs, measures, or alternative means and methods to continue student engagement and access to education during a student's period of expulsion. The District's program shall include offering an expelled student an opportunity for enrollment in digital learning courses or other alternative educational courses that result in the receipt of academic credit that is at least equal to credit the expelled student may have received from the District if the student had not been expelled.

Cross Reference: Policy 4.22—WEAPONS AND DANGEROUS INSTRUMENTS

Legal References:     A.C.A. § 6-15-1406  
                              A.C.A. § 6-18-502

A.C.A. § 6-18-507  
DESE Rules Governing Student Discipline and School Safety

Date Adopted: 6/14/22

Last Revised: