JKE Expulsion Of Students

Issued 3/10 Drat/19

Purpose: To establish the basic structure for the expulsion of students.

Expulsion is the removal of a student from a school for the remainder of the school year or until readmitted by the board. Authority to expel students from school rests solely with the board. The board delegates to the board-approved district hearing officer the authority to conduct administrative hearings and take disciplinary action, including expelling students from the district. The decision of the hearing officer may be appealed to the board. Appeal procedures are specified in administrative rule JKE-R.

As indicated in the code of conduct, policy JICDA and administrative rule JICDA-R, a student may be expelled for Level II (Disruptive Conduct) and Level III (Criminal Conduct) offenses.

Expulsion means a student cannot:

- attend school or be on school grounds
- attend any program at the school during the school day or at night
- attend any school sponsored activity
- ride a school bus

The board delegates to the board-approved district hearing officers the authority to conduct administrative hearings and take disciplinary action including expelling students from the district. The decision of the hearing officers may be appealed to the board as indicated below.

A student may be expelled for the following reasons listed in the code of conduct, policy JICDA and administrative rule JICDA-R.

commission of any crime, gross immorality, gross misbehavior or the violation of any other written rules and regulations established by the board, the school or the state board of education

when the presence of the student is deemed to be detrimental to the best interest of the school community

Expulsion means the student cannot do the following:

- attend school or be on the school grounds
- attend any program at the school in the daytime or at night
- attend any school sponsored activity
If procedures for expulsion are initiated, the parent/guardian of the student will be notified in writing of the time and place of a hearing before the district hearing officer. At the hearing, the parent/guardian will have the right to legal counsel and to all other regular legal rights, including the right to question all witnesses. The right to appeal the decision to the board is reserved to either party. The board will generally consider appeals based on the written information submitted by the student, the hearing officer and school administration, with neither party personally appearing before the board.

The hearing will take place within 10 days of the written notification at a time and place designated by the hearing officer and a decision will be rendered within 10 days of the hearing. The student may be suspended from school and all activities during the time of the expulsion procedures. Pending the expulsion hearing outcome, students are allowed to complete and submit homework through a parent or designated guardian.

Every expelled student will have the right to petition for readmission for the succeeding school year.

Students recommended for permanent expulsion by the district hearing officers will be referred to the board. The authority to permanently expel a student from the school district rests solely with the board.

Weapons

See policy JICI for expulsion relating specifically to weapons (firearms).

Legal references:

United States Code:


Education of Individuals with Disabilities, 20 U.S.C. Sec. 1400, et seq.


S.C. Code, 1976, as amended:

**Section 59-19-90(3)** - General powers and duties of school trustees to prescribe standards of conduct and the suspension or permanent dismissal of students. Gives district trustees authority to prescribe rules of pupil conduct, including provisions for suspension or dismissal of those failing to comply with such rules.

**Section 59-63-210** - Grounds for suspension, expulsion, or transfer

**Section 59-63-235** - Expulsion of student determined to have brought a firearm to school. District must expel student.

**Section 59-63-240** - Expulsion hearings - times, procedures, legal rights appeals.

S.C. Supreme Court: