

MMSD POLICIES AND PROCEDURES:
EXPULSION (4045)

**See Appendix _____

1. Teacher or staff member advises administrator when he/she has information regarding a student violating Behavior Education Plan.
2. Administrator shall investigate and evaluate the facts of the situation and review the complete record of the student.
3. If student has a disability, the administrator shall involved the Executive Director of Student Services/designee to determine how disability impacts the decision to recommend expulsion.
4. Administrator will make a good faith effort to notify student/parents/guardian of the possibility of expulsion.
5. When student IS NOT ultimately recommended for expulsion, the administrator shall make a reasonable effort to consider interventions that have the goal of providing behavioral support, facilitating reengagement within the school community, and finding solutions to any problems that may be identified.
6. When student IS recommended for expulsion, the schools shall consider available options within the process that will ultimately facilitate the student's future reengagement in the school community, including proposing possible conditions for early reinstatement.
7. When student IS recommended for expulsion, the administrator shall send a letter to the student/parents/guardian that administrator is recommending expulsion.
8. When expulsion IS NOT mandated, the Coordinator for Expulsions may approve the recommendation for the expulsion and submit it to the board; When expulsion IS mandated, the Coordinator for Expulsions shall approve the recommendation and submit it to the board
UNLESS:

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| <ol style="list-style-type: none">a. The superintendent/designee dismissed the student's suspension associated with the expulsion recommendation.b. There is insufficient, credible evidence to prove the alleged violation.c. In instances where the student is accused of engaging in physical contact with a staff member, the staff member inappropriately provoked the student.d. In cases where the student has a disability, their Individual Education Plan (IEP) or evaluation is out of date or their Behavioral Intervention plan (BIP) was not appropriately implemented.e. In cases where there has been a request for the special education evaluation following the recommendation for expulsion, the expedited evaluation is not completed in a timely manner. |
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9. A recommendation to the board shall be accompanied by appropriate documentation (may include psychological and/or psychiatric examination, records and/or assistance, suspension report, conference and/or meeting summaries, violence risk assessment, etc.)

10. When student is suspend and sent a written notice of expulsion hearing, the student shall be placed into Off Campus Neutral Site programming. Placement shall continue until student is not expelled and returns to school or is expelled.

11. Prior to expulsion, the board shall hold a hearing.

a. Not less than 5 days prior to the date of the expulsion hearing, written notice shall be sent specifying the particulars of the alleged refusal, neglect, or conduct stating the time, date, and place of the hearing. The notice shall also advice that:

- i. Upon request, the hearing shall be closed.
- ii. Student/parent/guardian shall be given the names of attorneys who provide representation at no cost.
- iii. Student/parent/guardian may be represented by counsel and may cross-examine any witness, present a defense, and be given at least 24 HOURS prior to the hearing to inspect the exhibits that will be presented in evidence.
- iv. Student/parent/guardian has a right to a transcript or board minutes at the board's expense.
- v. If board orders expulsion, clerk shall mail a copy of the order.
- vi. If expelled, student may appeal to the superintendent.
- vii. An appeal from the decision of the superintendent may be taken to the circuit court with 30 days.

b. Administrator and other personnel selected by the Coordinator for Expulsions shall be present to offer evidence in support of recommendation for expulsion of pupil.

12. At the hearing, the board must

a. Find that the student

- i. Engaged in conduct while at school or while under the supervision of a school authority which endangered the property, health, or safety of others, or
- ii. While not at school or while not under the supervision of a school authority engaged in conduct which endangered the property, health, or safety of others at school, or under the supervision of a school authority or endangered the property, health, or safety of any employee or school board member of the school district in which the pupil is enrolled; and

b. Be satisfied that the interest of the school demands the student's expulsion; and

c. Make any other finding as required by law.