

Policy No.: 505.04  
Adopted: 02-13-2002  
Revised: 10-8-2018

## EXPULSION OF STUDENTS

For the purposes of this policy and as defined in the Student Discipline Act, expulsion shall mean exclusion from attendance in all schools within the district for a period of time as defined in Nebraska statute 79-283.

Students may be expelled for violations of board policy, school rules or the law. It shall be within the discretion of the board to discipline a student by using an expulsion for a single offense or for a series of offenses depending on the nature of the offense and the circumstances surrounding the offense.

The superintendent will develop procedural rules, regulations and guidelines governing expulsions. These shall be approved by the board of Education and made known to students, parents and school staff through the student handbook.

All cases of expulsion shall be preceded by short-term suspension and its related procedures or by the condition of emergency exclusion which applies only when a student (a) has a dangerous communicable disease transmissible through normal school contacts and poses an immediate threat to the health and safety of the school community; or (b) exhibits conduct which presents a clear threat to the physical safety of himself/herself or others, or is so extremely disruptive as to make temporary removal necessary to preserve the rights of other students to pursue an education.

It shall be within the discretion of the superintendent to recommend expulsion of a student for disciplinary purposes. With the exception of instances where the student, the parents/guardians, the principal, and the superintendent are all in mutual agreement that expulsion is in the best interest for the student, only the board may take action to expel a student. The principal shall keep records of expulsions in addition to the board's records.

When a student is recommended for expulsion by the board, the student shall be provided with:

- Notice of the standard of conduct allegedly violated, acts the student is alleged to have committed and a summary of the evidence to be presented against the student;
- The penalty, if any, which the principal has recommended in the charge and any other penalty to which the student may be subject;
- A statement that the student has a right to a hearing, upon request, on the specified charges;
- A description of the hearing procedures, along with procedures for appealing any decision rendered at the hearing;
- A statement the principal, legal counsel for the school, the student, the student's parent or representative or guardian has the right; to examine the student's academic and disciplinary records and any affidavits to be used at the hearing concerning the alleged misconduct and; to know the identity of the witnesses to appear at the hearing and the substance of their testimony;
- A form on which the student or the student's parent/guardian may request a hearing.

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Supplemental 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.

In the case of students that have been expelled from school, in accordance with NDE Rule 17, the school district shall establish an alternative education program that shall include an individualized learning program to enable the student to continue academic work for credit toward graduation.

According to Rule 17, 003.01A: The alternative school, class, or program for expelled students may be provided by the district, through a cooperative arrangement of two or more districts, or through an arrangement with an educational service unit.

According to Rule 17, 003.01B: Alternative schools, classes, or programs for expelled students may include community-based programs, home-based programs, specialized tutorial experiences, distance-learning, or other programs approved by the local board of education.

According to Rule 17, 003.01C: The school, class, or program for expelled students shall enable the student to continue academic work for credit, and shall also include the standard of student behavior and cooperation required of the student to complete the alternative learning program.

According to Rule 17, 003.01D: If the student fails to meet any of the conditions of the learning program, the district may, without further obligation, terminate the program after a due process hearing, as required in statutory provisions for suspension and expulsion of students, unless waived by the parent or legal guardian.

According to Rule 17, 003.02: The school district shall have a written policy or plan describing how credit is awarded to students participating in alternative schools, classes, or programs for expelled students.

Accordingly, this policy sets forth that students will earn credit in an alternative educational program when they receive a passing grade (grade higher than an 'F') for classes in which they are enrolled. If deemed appropriate by the superintendent upon recommendation of the principal, the alternative education program may involve students working towards earning credits towards meeting graduation requirements through distance-learning whereby students complete work for school approved computer-based class modules at home. In these cases, the substitution of classes towards meeting district graduation requirements may be made at superintendent discretion upon recommendation from the principal. In the event that other programs are utilized, the school will inform students what alternative programs are available and how credits will be earned.

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According to Rule 17, 003.03: The school district shall make known to expelled students what alternative school(s), class(es), or program(s) is (are) available. If the parent or guardian should refuse to participate, the district has no further obligation with regard to provision of an alternative school, class, or program.

Legal Reference: Neb. Statute 28-1204.04  
79-245 et. seq.  
Goss v. Lopez, 419 U.S. 565 (1975).  
Wood v. Strickland, 420 U.S. 308 (1975).  
20 U.S.C. 1400 et seq. (Individuals with Disabilities Education Act)  
34 C.F.R. 104.1 et seq.  
34 C.F.R. 300 et seq.