

# **PROPOSED POLICY**

## **Policy JKE**

## Policy JKE Expulsion of Students

Issued 6/17

Purpose: To establish the board's vision for the expulsion of students.

A student may be expelled for any reason listed in the Student Code of Conduct (policy JICDA) or for the commission of any crime, gross immorality, gross misbehavior, or the violation of any other written policies, rules, or regulations established by the board or the State Board of Education; or when the presence of the student is deemed to be detrimental to the best interest of the school. **The Board of Trustees believe in a safe and secure learning environment, thus consider that all students repeatedly engaging in Level 3 criminal conduct shall be better served in an alternative learning setting.**

If procedures for expulsion are initiated, the parent/legal guardian of the student will be notified using multiple methods of communication (by phone and in writing) of the time and the place of a hearing before the district hearing officer. The hearing will take place within five school days of the incident barring unforeseen circumstances, such as incarceration, illness, etc., at a time and place designated by the school, unless the parent/legal guardian has requested to delay or if a manifestation determination must be held. A decision will be rendered within three school days of the hearing. The student may be suspended from school and all activities during the time of the expulsion procedures. It is the district's intention to process hearings and appeals in a timely manner in an effort to limit the number of school days missed by the student.

At the hearing, the parents/legal guardian will have the right to legal counsel and to all other regular legal rights, including the right to question witnesses in a manner determined by the district hearing officer. The student and/or parent/legal guardian has the right to appeal the decision of the district hearing officer. The first line of appeal is to the superintendent or his/her designee. The superintendent or his/her designee may provide an opportunity for the expelled student to re-enroll and attend classes at an alternative educational setting. The decision of the superintendent or his/her designee may be appealed to the Rock Hill School District Three of York County Board of Trustees.

Within three school days of the hearing, the hearing officer will notify the student and parent/legal guardian of the decision as to whether the student committed the alleged rule violation(s) or misconduct, based upon the evidence presented at the hearing, and the appropriate consequence. If the hearing officer determines that grounds for expulsion exist, he/she may expel the student for the remainder of the first semester, for the remainder of the current school year, or permanently. With a decision to expel, the hearing officer or the superintendent's designee, may make a recommendation that the student receive an application to attend an alternative program.

The hearing officer will report his/her decision in writing to the student, the parent/legal guardian, the superintendent, and the school. If the hearing officer determines that grounds for expulsion do not exist, absences resulting from the suspension may be excused if appropriate, and the student's record will reflect the decision of the hearing officer. The student will be allowed to make up missed work as appropriate.

A student who has been expelled is not permitted on the grounds of any of the district's schools; not permitted to attend school activities, functions, or events on or off school grounds, except for a prearranged conference with an administrator; and not permitted to board school buses. A student found on school grounds; at school activities, functions or events; or on a school bus, without permission from an administrator, while expelled will be subject to further discipline.

Acts of criminal conduct that may prohibit an expelled student from applying to the alternative program include but are not limited to the following:

- firearm on campus
- selling/distributing drugs on school property or within one-half mile of school grounds
- brandishing a weapon
- threats to take life or inflict bodily harm upon a teacher, principal, or members of their family
- serious crimes in the community

Adopted 10/23/89; Revised 5/28/90, 7/28/03, 9/22/08, 10/24/16, 6/22/17

Legal references:

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.

[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.

[Section 59-63](#)-240 - Expulsion hearings - times, procedures, and appeals.

S.C. Cases:

*Davis v. School District of Greenville County*, 374 S.C. 39, 647 S.E.2d 219 (2007).

**York 3/Rock Hill School District**

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# **CURRENT POLICY**

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