

JFC. STUDENT CONDUCT CODE

SUSPENSION

1. Student suspension temporarily takes away the privilege of attending school and/or school activities for a period not to exceed ten (10) school days.
2. In special circumstances, a suspension may be continued until some specific pending action occurs, such as a court hearing, a physical or mental examination, an expulsion hearing, or incarceration by court action.
3. Suspensions are made by the principal or designee and are not to be used in lieu of expulsion.
4. The student shall be given oral or written notice of the charges against them and, if the student denies them, an explanation of their version. Generally, this notice and hearing will precede the student's suspension, but if prior notice and hearing are not feasible, as where the student's presence endangers persons or property or threatens disruption of the academic process, thus justifying immediate removal from school, this notice and hearing shall follow as soon as practicable.
5. Notification of the suspension and the reasons shall be given by telephone to the parents or guardian as soon as it is practicable. Upon suspension, the student will be sent home unless it is deemed by the administrator advisable to hold the student until the end of the school day.
6. The suspending official will promptly notify the student and parents or guardian by mail of the suspension, the duration thereof, the conditions for reinstatement, the appeal procedures, and right to a conference with the principal or vice principal.

PARENT CONFERENCE

1. If a parent conference is requested, it shall be granted and shall be conducted by the principal or designee.
2. Participants at the conference shall receive evidence and may review the relevant past history and records of the student
3. During the conference, the student's achievements and difficulties will be discussed. Efforts will be made to determine additional steps that could be taken by the school, the student, and the parents to assist the student.
4. The decision of the principal or designee shall be communicated to the student and parents or guardian at the time of the conference or soon thereafter.
5. The school shall specify the methods and conditions, if any, under which the student's schoolwork can be made up. Students shall be allowed to make up schoolwork after their return from suspension if that work reflects achievement over a greater period of time than the length of the suspension.

EXPULSION

Expulsion denies the privilege of attendance at any district school activity; and, expulsion shall not extend beyond one (1) calendar year. The district school board may authorize the discipline, suspension, or expulsion of any refractory student and may suspend or expel any student who assaults or menaces a school employee or another student. The age of a student and the past pattern of behavior of a student shall be considered prior to a suspension or expulsion of a student. As used in this context "menace"

Bethel School District #52
Administrative Rule

means by word or conduct the student intentionally attempts to place a school employee or another student in fear of imminent serious physical injury.

Willful damage or injury to school property, use of threats, intimidation, harassment or coercion against any fellow student or school employee, open defiance of a staff member's authority or use or display of profane or obscene language is sufficient cause for suspension or expulsion from school. The district requires the expulsion from school for a period of not less than one (1) year for any student who is determined to have brought a dangerous weapon to school. A "dangerous weapon" means any weapon, device, instrument, material, or substance, which under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or serious physical injury.

In the event expulsion is recommended by the student's building principal or representative, the student may or may not be suspended pending a hearing on expulsion. In either event, the principal or designee arranges for a time and place of hearing on expulsion and shall promptly notify the student and parents or guardian. Such written notice shall be delivered personally to the student and the student shall acknowledge receipt thereof. If the student is not readily available for service of such notice, the same may be mailed to the student by certified mail with return receipt requested.

The notice given to the parents or guardian shall be sent by certified mail with return receipt requested. Such notice shall cite the charge or charges and the specific acts that support them. The notice shall state a recommendation of suspension pending a hearing for possible expulsion and the right of the student, parents, or guardian to representation. The written notice shall be mailed at least five (5) days prior to the hearing on expulsion and shall comply with Oregon Revised Statutes and Oregon Administrative Rules.

Unless otherwise provided by the district school board, the school superintendent will designate a representative who will act as the hearings officer and shall maintain control over and conduct the expulsion hearing. In case of foreign language differences or other serious communication handicaps, the hearings officer shall provide a translation. The student, or parents or guardian, or their representative, who may be an attorney, shall be given the right to present their version as to the charges and to make such showing by way of oral testimony, affidavits or exhibits. They shall be permitted to hear evidence presented against the student. They shall have the right to make a record of the hearing. The parent/guardians or student, if 18 years of age, shall have the right to waive such hearing, but by doing so they will be agreeing to abide by the lawful findings of the hearings officer.

If the student and parents, or guardian desire to waive such hearing, they have the right to do so by submitting a written waiver to the principal or designee. The hearings officer will conduct the hearing and be in control over it and will determine the facts of the case on the evidence presented at the hearing. This may include the relevant past history and records of the student. Strict rules of evidence shall not apply to the proceedings. The hearings officer will, as soon as practicable, make findings as to whether or not the student charged is guilty of the conduct alleged and the decision of disciplinary action, if any, including the duration of the expulsion. The decision will be made available to the student and the parents or guardian.

EXPULSION HEARING PROCEDURE

All hearings on expulsion shall be private unless the student or the student's parents or guardian requests a public hearing. If a private hearing is held by the hearings officer, the following shall not be made public:

- a. the name of the minor student
- b. the issue
- c. the discussion

A taped record of the expulsion hearing shall be maintained under the direction of the hearings officer. The student or parents, upon request, shall be entitled to a copy of the record on condition that they pay the

**Bethel School District #52
Administrative Rule**

reasonable cost of reproduction of transcription. The hearings officer and the principal or designee shall be entitled to legal counsel furnished by the district. Counsel would not ordinarily be used unless the student, or parents, or guardian are represented by counsel. If parents request to be represented by an attorney, they must notify the Bethel School District (689-3280) 48 hours prior to the hearing so that the district may also have counsel present at the hearing. Failure on the part of the parents to notify the district may result in postponement of the hearing. All witnesses shall be sworn in by the hearings officer prior to giving testimony. The witness will hold up a hand and take the following oath:

"Do you solemnly affirm that the evidence that you shall give in the matter now pending shall be the truth, the whole truth, and nothing but the truth?"

ORDER OF PROCEDURE AT THE HEARING

The hearing will be called into session in accordance with OAR 581-21-055(2) and ORS 339.250(2). The order of statements will be as follows:

- School administrator will give opening statement
- Opening statement by student, parents, or counsel
- Evidence by administrator or counsel
- Rebuttal evidence by administrator
- Argument of student and parents or counsel
- Final argument of administrator or counsel
- Adjournment

APPEAL OF THE HEARINGS OFFICER'S DECISION

If either party wishes to appeal the decision of the Hearings Officer, the party should submit a request to the Superintendent within ten (10) days of the receipt of the Hearings Officer's decision. The superintendent or designee will meet with the party to hear the appeal and seek resolution. If no resolution is reached, the superintendent forwards the appeal to the school board. The appeal will be heard at the next regularly scheduled School Board Meeting unless that meeting occurs so quickly that a verbatim transcript of the Expulsion Hearing cannot be prepared in time.

The School Board will be provided a verbatim transcript of the Expulsion Hearing. The School Board will meet in Executive Session as per ORS 332.061(1) unless the student or the student's parent or guardian requests a public hearing.

ORDER OF PROCEDURE AT THE SCHOOL BOARD MEETING:

- Student, parent, or other student representative's statement as to the reason(s) for the appeal
- Statement from school personnel
- Questions from the School Board to either party regarding its review of the verbatim transcript of the Expulsion Hearing Board decision to affirm, reverse, or modify the Hearings Officer's decision.