


<p>Tucson Unified School District</p>  <p>TUSD <i>Celebrate the US!</i> Tucson, Arizona</p> <p>POLICY REGULATION</p>	POLICY TITLE: Expulsion
	POLICY CODE: JK-R3

Expulsion

Expulsion is defined as the permanent withdrawal of the privilege of attending any school in the district unless the Governing Board reinstates the privilege.

Recommendation for Expulsion (Exhibit JK-R3-E1)

1. After completion of a formal long-term suspension hearing which results in a decision to suspend, the Principal may submit a recommendation for expulsion to the Superintendent through the appropriate Assistant Superintendent. A copy of the recommendation for expulsion and GB Policy Regulation JK-R3-Expulsion shall be mailed to the parent and/or student within 5 days of the hearing.
 - a. So that the expulsion hearing may be held during the student's suspension, this recommendation must be made promptly.
 - b. The recommendation for expulsion should not be delayed pending the resolution of any appeals of the decision to suspend. The principal may request to withdraw the recommendation to expel at any time and cancel the expulsion process.
 - c. It is conceivable that new evidence introduced during the appeal process or some other unforeseen circumstance may warrant withdrawal of the recommendation. Should this occur, prompt written notice to all concerned parties is necessary. **Withdrawals of expulsion recommendations may not be sought when the prescribed disciplinary action involves the possession of a firearm or destructive device. Under state law, in such a case, only the Board may decide, on a case by case basis, whether to impose less than the mandatory penalty.**
 - d. The principal will prepare an expulsion packet (Exhibit JK-R3-E2) containing the recommendation for expulsion and all pertinent documents and send the packet to the appropriate Assistant Superintendent for review. If the Assistant Superintendent concurs with the recommendation, the expulsion packet will be forwarded to the Superintendent.

2. The Superintendent will review the expulsion packet and recommendation. If the Superintendent concurs with the recommendation for expulsion, the file shall be forwarded to the Governing Board.

Appointment of Hearing Officer

1. The Governing Board shall determine whether a Hearing Officer will be designated to hear the evidence, prepare a record and bring a recommendation to the Board.
 - a. If the Board appoints a Hearing Officer, the Legal Department, on behalf of the Board, will schedule the expulsion so that it may be resolved during the long-term suspension, but not earlier than five (5) working days from the date written notice of the hearing is sent to the student and parent.
 - b. Within the limitations described above, an expulsion hearing may be rescheduled by the student or parent if either submits a written request showing good cause to the Legal Department at least two (2) school days prior to the date of the hearing as originally scheduled.
 - c. The notice of the expulsion hearing shall be translated into the language of the home. The translation will be sent with the notice.
 - d. The notice will be hand-delivered or sent by first class mail. A person hand delivering the notice will obtain a signed receipt for the notice from the person to whom it is delivered, or will certify delivery if the recipient will not sign a receipt. For mailed notices, delivery will be presumed on the third business day after mailing.
 - e. The student, through the parent or properly authorized adult representative, shall have access to all relevant school records, including any and all non-privileged documents, which may be used at the hearing. Records of students other than the student who is the subject of the hearing, information subject to privilege and personnel records or teachers or school staff, are not subject to such access unless otherwise accorded by law. This right may be exercised at any reasonable time during regular school hours after first making arrangements with the building principal or the principal's designee.
 - f. If the language of the home is other than English, the student and parent should be advised that they may request the presence of an interpreter at all conferences and hearings. Thereafter, the need for an interpreter at any subsequent conference or hearing will be assumed and arrangements made accordingly, unless the parent or the student makes a statement to the contrary for the record.

Hearing

1. A designated hearing officer conducting an expulsion hearing shall follow the due process procedures for formal hearings.
2. The hearing officer shall prepare a record of the hearing which shall consist of a recording of the proceedings as well as all written documents submitted to the hearing officer by the school official presenting the school case and the student's representative(s).
3. After hearing the evidence related to the alleged violations of the code of conduct, the hearing officer shall determine whether a violation of the student code of conduct has been committed. The hearing officer will then review the student's overall record, including grades, absences and prior disciplinary record. The parent(s) will be allowed to comment on any aspect of the student's record.
4. Within five (5) working days following the conclusion of the hearing, the hearing officer will notify the school administration and the student and parent(s) of his or her recommendation and the right of the student to appeal the recommendation to the Board. The notice shall be sent by certified mail (return receipt requested) or by hand-delivery to the student and parent.
5. At the same time that the recommendation is sent to the administration, student and parent(s), the hearing officer shall prepare the record, the report and the recommendation which shall be forwarded immediately to the Board for action. The report and recommendation shall include findings of fact related to the alleged code of conduct violation(s), a summary of the student's overall record (grades, absences and disciplinary record) and a recommendation as to whether the student should be expelled. The hearing officer may include in a recommendation for expulsion any recommendations related to readmission and any conditions that the hearing officer feels would be appropriate for the student to meet prior to being considered for readmission.

Governing Board Decision

1. The Board will consider the hearing officer's recommendation and make a determination regarding the expulsion of the student pursuant to Board Policy JK.
 - a. The hearing officer shall be present at the appeal hearing to present his/her report and recommendation to the Board.
 - b. The hearing officer shall also be prepared to present other relevant information for the Board's consideration. Typically, this consists of the record at the initial hearing, and the student's overall record, including grades, absences and disciplinary record.

- c. The parents and student will be notified of the date and time set for the Board's consideration and determination regarding the expulsion of the student and will be permitted to make a statement at that time.

2. Readmission

- a. As part of its decision to expel, the Board may permit the student to apply for readmission through the Office of Student Equity after any period of time it may set.
- b. The Board or designee may establish further conditions within the readmission process with which the student must comply prior to his/her admission to the instructional process.

Reviewed by Board:	July 11, 1989
Reviewed by Board:	July 9, 1991
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Reviewed by Board:	June 19, 2009 [Friday Report]

LEGAL REF.: A.R.S. §§ 15-341 & 15-342
 A.R.S. §§15-840 – 15-844

CROSS REF JFCL – Anti-Harassment Policy – Student
 JI – Rights and Responsibilities
 JICA – Student Dress
 JICFA – Hazing
 JICG – Tobacco Use by Students
 JICH – Drug and Alcohol Use by Students
 JICI – Weapons in School
 JICJ – Use of Cell Phones and Other Electronic Signaling Devices
 JICL – Bully Prohibition and Prevention
 JKA – Discipline of, and Alternative Interim Placements for Special Education Students
 JKAA – Discipline, Suspension, Expulsion for 504 Handicapped Students

Replaces TUSD Policy # 5060