

E 3340

Students

Procedural Outline for Expulsion Hearings

The Board should conduct the formal expulsion hearing during executive session, in the following manner:

1. **Basic Records:** Proponents identify and turn over to the Board; any exhibits they wish to be included in the basic record of jurisdictional documents (exhibits will be numbered).
2. **Opening Statements:** Brief opening statements of five minutes or less will be allowed by the proponent of expulsion and by the student or the student's representative. This is a preliminary statement to explain what each expects the evidence to show.
3. **Proponent's Evidence:** The proponent of expulsion will present any witness, documents, or other evidence which the proponent desires to be considered. Adult witnesses may be cross-examined. The testimony of other witnesses not present at the hearing will be received in evidence.
4. **Student's Evidence:** The student, his/her parents or representatives are permitted to be present and hear the evidence presented by the proponent. In addition, the student is entitled to introduce evidence by testimony, writings, or other documents in his/her favor. The student and/or parent can give testimony on his/her own.
5. **Board Questions:** If at any time during the proceedings, the Board feels that clarification of a point is needed, or that some aspect of the situation needs to be examined in more depth, the Board may question the proponent and/or the student.
6. **Summation:** The proponent of expulsion and the student or his/her representative will be given an opportunity to make a closing summation of no longer than 5 minutes each. The proponent of expulsion may submit a rebuttal argument of no more than five minutes.
7. **Deliberation with or without the student present in Executive Session:** The Board may choose to deliberate with or without the student and his/her representatives. The Board may request further discussion or more information from all parties involved.
8. **Advisement:** At the conclusion of the summation, the Board will act on this matter in open session without public mention of the student's name.

Expulsion Officer's Script

Procedural Suggestions for The Board In Executive Session

Call to Order

This is the time and place for the hearing in the matter of the proposed expulsion of _____, a student at _____ School. This hearing was scheduled for the date of _____, 20__, at the _____ in McCall-Donnelly School District #421, McCall, Idaho.

For the record, I will identify myself; I am _____, and I, as chairman of the McCall-Donnelly School District 421 Board of Trustees, am empowered to preside in this matter of proposed expulsion.

At this time, I will request that others present identify themselves for the record. First, the proponents of expulsion, and those present to represent the student.

Notification Requirements

The law requires that certain written notice be given to a student's parents or guardian before a hearing can be held to expel any student. Please respond either **yes** or **no** as to whether you received written notice stating; the grounds for the expulsion, the time and place that you could appear to contest the action, the right of the student to be represented by counsel, the right of the student to submit evidence on his/her behalf, the right of the student to produce witnesses on his/her behalf, and the right to cross-examine any adult witness who may appear against him/her.

Finally, did you receive such notification in sufficient time to allow you to prepare your response to the charges?

(If the answer to any of the above is no, repeat the rights, ask the parent whether he/she understands them, and whether he/she wishes to delay this hearing for a few days in order to obtain an attorney, witnesses, or prepare a defense.)

Explain Role and Responsibilities

Idaho law and school district policy stipulates that the school board, or someone designated by the school board, will act as a hearing officer in matters of student expulsion.

I have been designated by the McCall-Donnelly School District #421 Board of Trustees to preside in these cases. We have the responsibility to compile the facts and make a ruling.

As the School Board, our findings and recommendations must be derived from the evidence presented at this hearing.

Technical rules of evidence will not be followed. Witnesses should, however, confine their testimony to personal knowledge. Other evidence of a type commonly relied upon by reasonable people in the conduct of their serious affairs will be admitted. Repetition should be avoided.

The basic outline of procedure to be followed during this hearing will be as follows:

- A. Compiling of the Basic Records
- B. Opening Statements
- C. Proponent's Evidence
- D. Student's Evidence
- E. Summation
- F. Advisement

Does the proponent have any questions concerning the procedures to be followed?

Does the student or his/her parents have any questions concerning the procedure to be followed?

I will at this time, direct you that evidence and testimony be presented to the Board and that all questions, comments, and statements be directed to the Board, except those questions and responses that occur under cross-examination.

Before we proceed, I will state our intention to complete, if possible, this hearing by _____ today. Should that not occur, I will decide, at that time, upon the time and date for a continuation.

To both parties, I ask, "Are you now prepared to proceed with the hearing?"

Both parties are prepared to proceed with the hearing.

Basic Records: I will now ask the proponents to identify and turn over to the Board; any exhibits they wish to be included in the basic record of jurisdictional documents (mark the exhibits by number.)

To both parties, let me say that I reserve the right to collect additional information, exhibits, testimony, transcripts, or the like as items to include in the basic record at points later during the course of the hearing.

Opening Statements: Proponent first, student's respondent second.

Proponent's Evidence:

Student's Evidence:

Board Questions: If at any time during the proceedings, the Board feels that clarification of a point is needed, or that some aspect of the situation needs to be examined in more depth, the Board may question the proponent and/or the student.

Summation: At this point, the procedures set forth at the beginning of the hearing have been followed and concluding summations have been made. It has been the main intent of this hearing to assure that the highest degree of due process has been afforded to all parties.

It is now the responsibility of the Board to deliberate upon and determine facts as they relate to the proposed expulsion of _____. These matters are never simple, as they involve both the immediate and the future education of this young person. Consideration must be given to the student and at the same time, to the patrons, other students, faculty, and administration of this school district. Action will be taken in the regular meeting.

Deliberation in Executive Session: The Board may choose to deliberate with or without the student and his/her representatives. The Board may request further discussion or more information from all parties involved.

Advisement: At the conclusion of the summation, the Board will act on this matter in open session without public mention of the student's name.