

**STUDENT DISCIPLINE:
EXPLUSION**

FHC

**CAUSE FOR
EXPULSION**

A student may be removed from class and expelled without resort to an alternative education program if the student, on school property or while attending a school-sponsored or school-related activity on or off of school property:

1. Assaults a teacher or other individual.
2. Sells, gives, or delivers to another person or possesses or uses or is under the influence of marijuana or a controlled substance, as defined by the Utah Controlled Substances Act or by 21 U.S.C. § 801, et seq.
3. Sells, gives, or delivers to another person an alcoholic beverage or commits a serious act or offense while under the influence of alcohol.
4. On more than one occasion possesses, uses, or is under the influence of an alcoholic beverage.
5. Possesses any weapon, explosive, firearm, sawed off shotgun, flammable material, projectile or uses or threatens to use any object or material as a weapon or to cause harm to any person or property.

Utah Code Ann. §53A-3-502(2)

6. Engages in conduct that contains the elements of the offense of arson under the Utah Criminal Code.
7. Engages in conduct that contains the elements of any felony.

In addition to the above bases for expulsion, the conduct described in subparagraph number 5 above shall be a basis to remove a student from class and to expel the student without resort to an alternative education program if the conduct occurs within one thousand feet (1,000) of school property or within one thousand feet (1,000) of any school sponsored or school related activity on or off of school property.

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**CAUSE FOR
EXPULSION**

(continued)

A student who, after having been placed in an alternative education program, continues to engage in serious or persistent misbehavior that violates the District's previously communicated written standards of student conduct may be removed from class and expelled.

**HANDICAPPED
STUDENTS**

A handicapped student may be expelled for engaging in conduct that would warrant such action for a non-handicapped student only if the Special Education Committee determines the misconduct is not related to the handicapping condition or inappropriate placement.

In determining whether a student's disruptive behavior is related to a student's handicapping condition, the Special Education Committee shall base its decision on currently effective evaluation and assessment data and on review of the current IEP documentation rather than on established eligibility or previous committee decisions. The Committee shall consider whether the student's behavior indicates the need for new assessment or evaluation data. Unless the parents agree otherwise, the student must be returned to his current placement after ten days while additional assessments are being conducted.

The Special Education Committee shall determine the instructional and related services to be provided during the time of expulsion. The student's IEP shall include goals and objectives designed to assist in returning the student to school

If the Special Education Committee determines that the student's disruptive behavior is related to the handicapping condition or inappropriate placement, the student shall not be expelled. If the disruptive behavior on the part of the student indicates an inappropriate placement, the Special Education Committee shall review the placement and recommend alternatives. If the Special Education Committee determines that the behavior was related to the handicapping condition, it shall either rewrite the IEP to address the student's behavioral and educational needs or, when appropriate, consider the extension of an emergency removal.

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**HOME-BASED
INSTRUCTION
PENDING
HEARING**

A student may be placed in home-based instruction pending a hearing on expulsion. The hearing shall be held within seven school days from the date of the offense or be deferred beyond the seven days by the mutual consent of the student's parent or guardian and the District's representative.

DUE PROCESS

A student shall be expelled by written order setting the term of the expulsion. Before the expulsion, the Board or its designee shall provide the student a hearing at which the student is afforded due process, which shall include the following:

1. Prior notice of the charges and the proposed sanctions so as to afford a reasonable opportunity for preparation.
2. Right to a full and fair hearing before the Board or its designee.
3. Right to an adult representative or legal counsel at the hearing.
4. Opportunity to testify and to present evidence and witnesses in his or her defense.
5. Opportunity to examine the evidence presented by the school administration and to question the administration's witnesses.

The notice shall be in writing and shall advise of the nature of the evidence and the names of any witnesses whose testimony may be used against the student. The student shall be notified of the date of the hearing. The decision shall be based exclusively on evidence presented at the hearing. The final decision shall be communicated promptly to the student and parent.

APPEALS

A decision by the Board's designee to expel a student may be appealed to the Board. A handicapped student shall not be excluded from his current placement pending appeal to the Board for more than ten days without Special Education Committee action to determine appropriate services in the

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APPEALS
(continued)

interim. Pending appeal to a special education hearing officer, unless the District and parents agree otherwise, a handicapped student shall remain in the present education setting.

TEACHER
RECOMMENDATION

A teacher may remove from class and recommend for expulsion a student who engages in conduct for which a student may be expelled. If a teacher recommends a student for expulsion, the Board or its designee shall conduct a hearing on expulsion. If the Board or its designee decides not to expel the student, and the student is again recommended for expulsion by the teacher during the same school year, the expulsion hearing may be conducted only by the Board.

TERM OF
EXPULSION

The Board or its designee shall set a term for the expulsion. The expulsion may not extend beyond the end of the school year unless the conduct directly leading to the expulsion occurred during the final grade report period of the school year, in which case the expulsion may extend beyond the end of the current school year but not beyond the end of the first semester of the next school year.

FIRST-TIME
ALCOHOL-RELATED

A student who is to be expelled for the first time for possession, use, or for being under the influence of an alcoholic beverage may not be expelled beyond the end of the semester, unless the conduct directly leading to the expulsion occurred during the final grade report period of a semester, which may result in expulsion not to extend beyond the end of the next regular semester.

NOTICE OF
EXPULSION
ORDER

The Board or its designee shall deliver a copy of the order expelling the student to the student and the student's parent or guardian. The order shall advise parents that it is the parents' responsibility to provide adequate supervision for the student during the period of expulsion. The Board or its designee shall also deliver a copy of the order to the authorized officer of the juvenile court in the county in which the student resides. If the student enrolls in another school district before the expiration of the period of expulsion, the Board or designee shall provide a copy of the order to that district at the same time other student records are provided.

Issue Date:

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NOTICE TO
STAFF

The Board shall provide the administrator at the student's school with a copy of the expulsion order, who shall then notify the student's teachers.

OTHER AGENCIES

The District shall reasonably cooperate with governmental agencies and community organizations providing services within the District to expelled students.

HOME-BASED
INSTRUCTION

The District may provide home-based instruction to expelled students.

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