

4.3610 EXPULSION DUE PROCESS

Legal References: Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d-2000d7
Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. § 1681
Gun-Free Schools Act of 1994, 20 U.S.C. § 8921
G.S. 14-33, -35, -36, -60, -67, -69.1 - 69.2, -132, -132.2, -134, -269.2, -284.1, -288.4
G.S. 115C -36, -45, -47, -112, - 288(g), -307, -390, -391, -392
G.S. 18B-300 to 302
G.S. 126-6
Article 33C: G.S. 143-318.11

Cross Reference: 4.3600 CODE OF STUDENT CONDUCT
7.1500-7.1500 GRIEVANCE PROCEDURES
1.7420/5.0600 RESPONDING TO COMPLAINTS
2.5000 HEARINGS BEFORE THE BOARD

Board policy 4.3600 – CODE OF STUDENT CONDUCT provides for the expulsion of students under certain specific conditions and circumstances as the appropriate action following a Class IV disciplinary infraction. In keeping with state law, students who are recommended by the Principal for expulsion under the provisions of that policy are entitled to the specific protections of due process described herein.

A. Expulsion Appeals

Students recommended by the Principal for expulsion as the result of a Class IV disciplinary infraction may file an appeal of that recommendation by following the required steps:

1. File Appeal

- a) **Deadline**: All expulsion recommendation appeals must be filed with the Principal within five school days of the notice of the Principal's recommendation for expulsion. The Principal shall deliver the appeal to the Board chair within 72 hours of receipt.
- b) **Written appeal required**: All appeals shall be in writing and the written statement of appeal shall remain the same throughout all steps of the appeal procedure.
- c) **Required information**: A formal written statement of appeal must include the following information:
 - the student's full name, grade, the name of his/her PAA, and the name(s) of his/her parent(s) or guardian(s);
 - the date and approximate time of the disciplinary infraction which resulted in the Principal's recommendation for expulsion;
 - the student's version of events, if they are in conflict with the Principal's understanding of them; and
 - a list of witnesses who may be able to corroborate the student's version of events.

2. Appeal Committee Hearing

Upon receipt of an expulsion recommendation appeal, the Board chair shall appoint three members of the Board to an Appeal Committee to hear the first level of the student's appeal.

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The student, his/her PAA, and one or both of his/her parents or guardians shall appear before the Appeal Committee upon their summons to present the case for the student's appeal. The Principal or his/her designee shall also appear, to answer questions about the recommendation for expulsion. The student's witnesses shall be invited to appear as well.

Students may be accompanied by legal counsel at this hearing, and counsel may be permitted to ask questions for clarification only of the student, the Principal or his/her designee, and any witnesses named by the student who may be present.

The Appeal Committee, after hearing the appeal and questioning the Principal or his/her designee and any witnesses present to their satisfaction, shall go into closed session to consider their decision under the provisions of the NC Open Meetings Law, §143-318.11. The Committee's decision shall be delivered to both the appealing student and to the Principal within 3 school days of the Committee hearing.

If the appealing student accepts the decision of the Committee, the matter shall be considered closed. The Principal shall be responsible for applying all provisions of the Committee's decision.

3. Full Board Hearing

If the appealing student is not satisfied with the Appeal Committee's decision, he/she shall be eligible to appeal that decision to the full Board of Directors. In the case of such appeal, all the steps and procedures specified in this policy to establish an Appeal Committee hearing shall apply, in the same timelines and requirements, except that the appealing student's legal counsel shall be permitted to address the Board on behalf of the student at this hearing if the student desires it. The process by which the Board hears and considers the appeal shall be the same as those for an Appeal Committee hearing as well.

The decision of the full Board of Directors shall be considered the final step in the Appeal process available to a student recommended for expulsion. Once the Board renders its decision, the appeal process is exhausted.

B. General Requirements

1. All parties in interest in any appeal filed pursuant to this policy shall conduct themselves in a professional manner at all times during the investigation and hearing of the appeal.
2. No reprisals of any kind shall be taken by the Board or by any employee of the Board against any party in interest, any other employee, or any student on account of their participation in an appeal filed and decided pursuant to this policy.
3. Each decision shall be in writing, setting forth the decision and reasons therefore, and shall be transmitted promptly to all parties in interest.
4. The Board and administration shall cooperate with the appealing student and his/her representative(s) in the investigation of any appeal and shall furnish the appealing student with information pertinent to the appeal without cost.
5. All meetings and hearings conducted pursuant to this policy shall be private.
6. Appropriate records of all appeals and their dispositions shall be maintained in accordance with state and federal law.