

Muddy Creek Charter School

Code: JGE
Adopted: 12/12/24

Expulsion**

The executive director, after reviewing available information, may recommend to the Board that a student be expelled. Expulsion of a student shall not extend beyond one calendar year.

A student may only be expelled for any of the following circumstances:

1. When a student's conduct poses a threat to the health or safety of students or employees;
2. When other strategies to change the student's conduct have been ineffective, except that expulsion may not be used to address truancy; or
3. When required by law.

The use of expulsion for discipline of a student in fifth grade or lower is limited to:

1. Nonaccidental conduct causing serious physical harm to a student or employee;
2. When a school administrator determines, based on the administrator's observations or upon a report from an employee, the student's conduct poses a direct threat to the health or safety of students or employees; or
3. When the expulsion is required by law.

The age of the student and the past pattern of behavior will be considered prior to imposing the expulsion.

No student may be expelled without a hearing unless the students' parents, or the student if 18 years of age, waives the right to a hearing, either in writing or by failure to appear at a scheduled hearing.

When a recommendation for expulsion is made, the Board will meet and review the recommendation. The Board will hold or arrange for the expulsion hearing unless it has been waived.

If the Board is conducting the expulsion hearing, the Board may designate a Board member or a third party to run the hearing. The executive director will provide relevant information to the Board, including the executive director's recommendation and duration on disciplinary action.¹ This information will be available in identical form to the Board, the student if age 18 or over and the students' parents at the same time. The Board will make the final decision regarding the expulsion.

¹ Evidence may include the relevant past history and student education records.

When a recommendation for an expulsion is made and a hearing is not waived, the following procedure is required:

1. Notice will be given to the student and the parent by personal service² or by certified mail³ at least five days prior to the scheduled hearing. Notice shall include:
 - a. The specific charge or charges and the specific facts which support the charge or charges;
 - b. A statement of intent to consider the charges as a reason for expulsion;
 - c. The student's right to a hearing;
 - d. When and where the hearing will take place; and
 - e. The student may be represented by counsel or other persons.
2. If the parent or student does not understand the English language, the public charter school will provide an interpreter during the hearing. All communications will be in a manner that is understandable to the parents and student;
3. The student shall be permitted to have a representation present at the hearing to advise and to present arguments. The representation may be an attorney, parent or other person. The public charter school's attorney may be present;
4. The student shall be afforded the right to present their version of the events underlying the expulsion recommendation and to introduce evidence by testimony, writings or other exhibits;
5. The student shall be permitted to be present and to hear the evidence presented by the public charter school;
6. The hearings officer or the student may record the hearing;
7. Strict rules of evidence shall not apply to the proceedings. However, this shall not limit the hearings officer's control of the hearing;
8. A Board-conducted hearing or a Board review of the hearings officer's decision will be conducted in executive session unless the student or the student's parent requests a public hearing. If an executive session is held by the Board or a private hearing held by the hearings officer, the following will **not** be made public:
 - a. The name of the minor student;
 - b. The issues involved, including a student's confidential record;
 - c. The discussion;
 - d. The vote of Board members, which may be taken in executive session when considering an expulsion.

² The person serving the notice shall file a return of service. (OAR 581-021-0070)

³ When "certified mail is given to a parent of a suspended student, the notice shall be placed in the mail at least five days before the date of the hearing." (OAR 581-021-0070)

Prior to expulsion, the public charter school must notify the resident district of the student about the impending expulsion.

END OF POLICY

Legal Reference(s):

[ORS 192.660](#)
[ORS 332.061](#)
[ORS 336.615 - 336.665](#)
[ORS 338.115\(1\)\(j\)](#)

[ORS 339.115](#)
[ORS 339.240](#)
[ORS 339.250](#)

[OAR 581-021-0050](#)
[OAR 581-021-0070](#)
[OAR 581-021-0071](#)

Cross Reference(s):

JG - Student Discipline