

---

---

# Expulsion/Abeyance Process

— School District of West Salem —

---

---

# Confidentiality

\*\* Reminder that all disciplinary measures, actions, and student information is protected information due to the Family Educational Rights and Privacy Act (FERPA) and State Statute 118.125 (Pupil records).

# Inappropriate School Behavior

- Upon an event in a building that requires severe disciplinary action, the administration and their team within the building will go through an investigation process regarding the proper route to take the disciplinary measure.
  - Members of the team include: Building administrators, Pupil Service department, and our School Resource Officer (SRO) may also be a part of the investigation.
  - The SRO is involved in any case of a threat, weapon, or illegal substances on school grounds.
- Such an event would initially lead to a suspension of the student.

# Severity of Disciplinary Measures

- The following are taken into consideration when determining the severity of any disciplinary action:
  - Age of a student
  - Drugs
    - Distribution or sharing with others on campus
  - Weapons
    - Having a “real” gun on a person while on campus
    - Having a “look-a-like” weapon on a person and making a threat
    - Pulling a knife or sharp on an individual while on school grounds
  - Aggressive/Physically Threatening Behavior
    - Overly aggressive physical acts towards an individual on school grounds to cause harm to that individual
    - Confirmed realistic threat
  - A violation of a current abeyance agreement that has already been put in place.

# Additional Information

- The Board may expel a student from school whenever it finds a student guilty of repeated refusal or neglect to obey school rules or regulations.
- Policies that are regularly referred to:
  - [5500- Student Code of Classroom Conduct](#)
  - [5512- Use of Tobacco/Nicotine by Students](#)
  - [5530 - Alcohol & Other Controlled Substances](#)
  - [5605 - Suspension of Students with Disabilities](#)
  - [5609 - Pre-Expulsion/Expulsion Abeyance](#)
  - [5610 - Suspension & Expulsion](#)
  - [5772 - Weapons Student/Parent Handbook](#)

# Essential Knowledge Around Suspensions

- A student can only be suspended for five school days before the district need to send a notice to extend to expulsion.
- A suspension can only be a maximum of 15 school days, as a suspension can be extended by 10 days from the original five by the superintendent pending expulsion.
  - A special education student can only be suspended for a maximum of ten days pending expulsion.

# Moving to an Expulsion Hearing

- Suspension notices will be sent to the District Office by building administration, and the District Office will get details regarding if the suspension, and could move to expulsion if necessary.
- If the suspension moves to expulsion, our school attorney will be contacted with the name(s) of the student(s), the first date of suspension, any SPED/504 information, and a brief statement of the incident. Communication on possible dates of a hearing will be had with the school attorney.
- The school board will be contacted to get possible dates for a special board meeting to hold the expulsion hearing.
- A notice of Expulsion will be sent out to the student(s) and family(ies), which includes the hearing date, charges against the student(s), and State Statutes.
- If the student is a special education student, a Manifestation hearing must be held to determine if the violation is a manifestation of the student's disability.

# What is a Manifestation Hearing?

- A manifestation determination is a meeting where parents of a student with an IEP and school staff review relevant information about the child and answer two questions:
  1. Was the behavior caused by or has a direct and substantial relationship to the child's disability?
  2. Was the behavior a direct result of the school's failure to implement the child's IEP?
- If the answer is "yes" to either of the above questions, then the behavior is determined to be a manifestation of the child's disability.
- Parents and school staff only have to answer "yes" to one of the above questions for the behavior to be considered a manifestation of the child's disability.
- If it is found that the violation is a manifestation of the child's disability, the student can not be expelled.



# What is an abeyance?

- If the administration feels that the violation is better suited for an abeyance agreement rather than going forward with an expulsion hearing, the administration will work with school staff to author an agreement to meet the needs of the student and the safety of the students/school, then set up a meeting with the superintendent, the building principal, and the family before the expulsion hearing.

# What does an abeyance agreement consist of?

- A document that establishes terms of an agreement between the School District of West Salem, the student, and the parent(s)/guardian(s) to defer and hold in abeyance any further proceedings relating to an expulsion based on misconduct the administration has investigated.
- All parties must agree to the terms to bypass the scheduled expulsion hearing.
- The Pupil Services Director and/or School Psychologist need to be consulted in the authoring of this document.

# What are some examples of conditions found in an abeyance agreement?

- A student will not engage in any additional misconduct which could be the basis for an out of school suspension or expulsion, as defined by the Student/Parent Handbook, Code of Conduct, BOE Policies, and federal/state law.
- A student will not participate in any illegal activities, either on or off school grounds.
- A student agrees to provide evidence that they are drug and alcohol free by presenting an administrator the results of a drug test.
- A student agrees to undergo random drug testing.
- A student must maintain consistent regular attendance.
- A student will be subject to random, non-intrusive searches.
- The parent and student agree to undergo a (drug, alcohol, mental health) assessment and provide a release of information to the school district to allow the district to receive a copy of the assessment and communicate w/the healthcare provider.

# If an abeyance agreement is reached, what occurs?

- If the abeyance agreement is signed, the expulsion hearing will be canceled. The District Office will contact the school board and school attorney.
- The abeyance will be in effect for up to two years in accordance with BOE policy.
- Conditions in the agreement must be followed, if conditions are not followed during the time of the agreement, administration would move to continue to an expulsion hearing.

# Expulsion Hearing

- If the violation warrants an expulsion hearing or a student/family refuses to sign a presented abeyance agreement, the district will continue steps toward an expulsion hearing.

# Decisions that can be made at an expulsion meeting:

- At an expulsion hearing, the Board of Education decides on the extent of the expulsion.
- The board can decide to do one of two things:
  1. Expel and reinstate
  2. Expel

# What is an expulsion with a reinstatement?

- The administrative team will bring a student to an expulsion hearing, present their case to the Board of Education, and then prepare a recommendation for the Board. The Pupil Services Director/School Psychologist needs to be consulted in the authoring of this document.
- The Board will make a final decision on length of expulsion before reinstatement along with conditions placed upon the student for reinstatement.
  - \* This part is very similar to the abeyance agreement, except that the student is expelled, then allowed to be reinstated back to school.

# What are some examples of conditions that can be found in the expulsion order with reinstatement?

- The parent and student agree to undergo a (drug, alcohol, mental health) assessment and provide a release of information to the school district to allow the district to receive a copy of the assessment and communicate w/the healthcare provider.
- The student must agree to never bring any type of (drug, alcohol, weapon, or look-alike weapon) on school grounds at any time for the duration of the expulsion order.
- The student must agree to random searches of person or belongings by building administrators or designee at any time for the duration of the expulsion order.
- The superintendent or designee must determine that the student, at any time, does not pose a danger to themselves or others.
- The student must agree to meet with the counselor of the building in which they attend school a minimum of "X" times per month.
- If a student is found in violation of the expulsion order, the early reinstatement period will be revoked, and the full term of the expulsion order will be put in place.



# What is an expulsion without any conditions of reinstatement?

- This would be an incident severe enough that the administrative team feels that a student should be expelled from the school district without conditions for reinstatement.
- Upon hearing the case, and if the Board of Education agrees, the Board would vote to expel the student from the school district without the opportunity for reinstatement.