

## STUDENTS

### Emergency Expulsion

Upon administering an emergency expulsion, the District must attempt to notify the student's parents, as soon as reasonably possible, regarding the reason the District believes the student's presence poses an immediate and continuing danger to other students or school personnel or an immediate and continuing threat of material and substantial disruption of the educational process.

Within twenty-four hours after an emergency expulsion, the District must provide written notice of the emergency expulsion to the student and parents in person, by mail, or by email. The written notice must include:

- (a) The reason the student's presence poses an immediate and continuing danger to students or school personnel or poses an immediate and continuing threat of material and substantial disruption of the educational process;
- (b) The duration and conditions of the emergency expulsion, including the dates on which the emergency expulsion will begin and end;
- (c) The opportunity to receive educational services during the emergency expulsion;
- (d) The student's and parents' right to an informal conference with the principal or designee; and
- (e) The student's and parents' right to appeal the emergency expulsion, including where and to whom the appeal must be requested.

The District must ensure the initial and written notices required under this section are provided in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

If a student or the parents disagree with the District's decision to administer an emergency expulsion, the student or parents may request an informal conference with the principal or designee to resolve the disagreement. The request for an informal conference may be made orally or in writing.

The principal or designee must hold the conference within three school business days after receiving the request unless otherwise agreed to by the student and parents.

During the informal conference, the principal or designee must provide students and parents the opportunity to share the student's perspective and explanation regarding the events that led to the emergency expulsion.

The District must ensure the conference is held in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

An informal conference must not limit a student's or parents' right to appeal the emergency expulsion.

#### Emergency Expulsions—Appeal

A student or the parents may appeal an emergency expulsion to the superintendent or designee orally or in writing.

Appeal time limits must be no less than three school business days from the date the District provides the written notice of the emergency expulsion.

Within one school business day after receiving the appeal request, unless otherwise agreed to by the student and parents, the superintendent or designee must provide the student and parents written notice in person, by mail, or by email of:

- (a) The time, date, and location of the appeal hearing;
- (b) The name(s) of the official(s) presiding over the appeal;
- (c) The student's and parents' rights to inspect the student's education records under subsection (6) of this section; and
- (d) The student's and parents' rights to inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the hearing.

Appeal Hearing. The District must hold an appeal hearing no later than three (3) school business days after the date the superintendent or designee received the appeal request unless otherwise agreed to by the student and parents.

The superintendent will designate a hearing officer to hear and decide appeals. The presiding official(s) may not be involved in the student's behavioral violation, or decision to emergency expel the student and must be knowledgeable about the rules in this chapter and of the District's discipline policies and procedures.

#### Evidence and Witnesses:

- (a) Upon request, the student, parents, and District may inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the appeal hearing. The District, student, or parents must make the information available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.
- (b) Upon request, the student and parents may review the student's education records. The District must make the records available no later than the end of the school business day before the appeal hearing, with the understanding that the documents are reviewed at the District office.

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- (c) If a witness for the District cannot or does not appear at the appeal hearing, the presiding official(s) may excuse the witness's nonappearance if the District establishes that:
  - (i) The District made a reasonable effort to produce the witness; and
  - (ii) The witness's failure to appear is excused by fear of reprisal or another compelling reason.

Student and Parent Rights. The student and parents have the right to:

- (a) Be represented by legal counsel;
- (b) Question witnesses;
- (c) Share the student's perspective and provide an explanation regarding the events that led to the emergency expulsion; and
- (d) Introduce relevant documentary, physical, or testimonial evidence.

Recording of Hearing. The appeal hearing must be recorded by manual, electronic, or another type of recording device. The District must provide the recording to the student or parents upon request.

Appeal Decision. The District must provide a written decision to the student and parents in person, by mail, or by email within one school business day after the appeal hearing. The written decision must include:

- (a) The findings of fact;
- (b) A determination whether the student's presence continues to pose:
  - (i) An immediate and continuing danger to students or school personnel; or
  - (ii) An immediate and continuing threat of material and substantial disruption of the educational process.
- (c) Whether the District will end the emergency expulsion or convert the emergency expulsion to a suspension or expulsion. If the District converts the emergency expulsion to a suspension or expulsion, the district must provide the student and parents notice and due process; and
- (d) Notice of the student's and parents' right to request review and reconsideration of the appeal decision, including where and to whom to make the request.

Language Assistance. The District must ensure that any appeal proceedings, notices, and decisions are provided in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

Emergency Expulsions—Review and Reconsideration



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Emergency Expulsions - Appeal

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Discipline Policies and Procedures-

Development, Review, and Distribution

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