



## **Guidance Document**

### **Expulsion Process from Offense through Hearing/Expulsion to Return to School**

#### Overview

This guidance document is designed to pick up where the [Student Discipline Ladder](#) ends. It will inform all Discipline Building Leaders of the decision points and steps that are taken from the time an expellable offense occurs at the school level, through an expulsion hearing, to a possible expulsion, and then, the possible return of the student to the school of expulsion.

Although it is written for a person who is new to the responsibility of student discipline, it can also be a helpful reminder of the experience for everyone. Also, as this document does not address the myriad of possible nuances that occur during the work of being a Discipline Building Leader, the Student Discipline Program Manager for your school is your best contact for support.

#### Student Discipline Program Managers

[Michelle Powell@dpsk12.net](mailto:Michelle.Powell@dpsk12.net)

District-managed Elementary Schools (except Kunsmiller Elementary School)  
District-managed Middle Schools

[Terri Talavera@dpsk12.net](mailto:Terri.Talavera@dpsk12.net)

District-managed High Schools  
Kunsmiller Creative Arts Academy  
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All Charter Schools

#### Relevant Board of Education Policies

Section J policies are the ones governing students in DPS. There is an index for all of the Section J policies in [BoardDocs](#). By scrolling through this index, the policy for a specific topic can be found. The primary Section J policies governing student conduct and discipline are [BOE Policy JK](#) and [JK-R](#). JK and JK-R reference many other Section J policies that focus attention on specific student behaviors such as [JICH](#) and [JICH-R](#) Drug and Alcohol Use by Students, or [JIH](#) Student Interviews, Interrogations, Searches, and Arrests.

#### [JK Student Discipline](#)

Brief Summary:

- Defines the purpose of student discipline as: the act of teaching students the prosocial skills that will enable them to be both academically and interpersonally successful
- Establishes the principles for school safety, behavioral expectations for students, and teacher behaviors that effectively support appropriate student behavior
- Assures equity across racial, ethnic, and cultural groups, in addition to all protected classes

#### JK-R Student Conduct and Discipline

##### Brief Summary:

- Details the procedures for the implementation of BOE policy JK Student Conduct
- Describes the essential components of a successful disciplinary program in a school
- Lists behaviors that are considered to be misbehaviors/offenses
- Lists the steps for responding when a misbehavior/offense occurs

#### JIH Student Interviews, Interrogations, Searches, and Arrests

##### Brief Summary:

- A principal or school official may conduct a search when the principal/school official has reasonable suspicion that a search will reveal evidence that a student has violated DPS policy or the law
- A principal or school official may search a student (within limits) and/or the student's personal property while on school grounds or during a school sanctioned activity
- A principal or school official may seize any illegal, unauthorized, or contraband materials, including, but not limited to, weapons, illegal drugs, controlled substances, or alcohol

#### Definitions of Offenses Subject to Possible Expulsion/Expulsion

1. Type Six Offense
  - a. Firearm - Knowing possession of a firearm on school grounds, in a school vehicle, or at a school sanctioned event. If off-campus, must be a sufficient nexus to school. Firearm weapons include handguns; rifles; shotguns; any weapon designed to, or may be converted to, expel a projectile by the action of an explosive; any destructive device, including explosive, incendiary, or poison gas device. This does not apply to objects such as toy guns, facsimiles, cap guns, bee-bee guns, and pellet guns.
2. Type Five Offenses
  - a. Robbery – Knowingly taking a thing of value from a person by the use of force, threats, or intimidation
  - b. First Degree Assault - The most egregious type of assault. Intentionally using a deadly weapon to cause serious bodily injury to another person, OR, a student causes serious bodily injury to another person by means of a deadly weapon, OR, with an intent to disfigure another person seriously and permanently, the person causes such an injury, OR, a student shows extreme indifference to the value of human life, and knowingly creates a grave risk of death to another person. Serious bodily injury involves a substantial risk of death, a substantial risk of serious permanent disfigurement, a substantial risk of protracted loss or

impairment of the function of any part or organ of the body, or breaks, fractures, or burns of the second or third degree.

- c. Second Degree Assault - A serious assault that is less serious than first degree assault, but more serious than a typical fight with typical injuries (Third Degree Assault). Intentionally using a deadly weapon to cause bodily injury, OR, recklessly using a deadly weapon to cause serious bodily injury, OR, with intent to cause bodily injury, causing serious bodily injury, OR, with intent to cause bodily injury, choking another person, causing bodily injury. Serious bodily injury involves a substantial risk of death, a substantial risk of serious permanent disfigurement, a substantial risk of protracted loss or impairment of the function of any part or organ of the body, or breaks, fractures, or burns of the second or third degree.
  - d. Sexual Assault – A student commits sexual assault when the student inflicts sexual intrusion or sexual penetration through the use of force, without consent, or when complainant is incapable of providing consent, OR, when complainant is 14 years old or younger and respondent is more than 4 years older. (Refer to DPS Home Page/the Commons/ [Discrimination Prevention & Response Process](#))
  - e. Sale or distribution of, or intent to sell, unauthorized drugs or controlled substance – Knowing sale or distribution of a controlled substance. The transaction must occur on school grounds, in a school vehicle, or at a school sanctioned event. Controlled substances are defined as marijuana, or unauthorized drugs that have been determined by the federal government to be dangerous, habit-forming, or otherwise not appropriate for use without a prescription.
  - f. Dangerous Weapon - Knowing possession of an object defined as a dangerous weapon: any pellet or BB gun, or other device, whether operational or not, designed to propel projectiles by spring action or compressed air; a fixed blade knife with a blade that exceeds three inches in length; a spring-loaded knife or a pocket knife with a blade longer than three and one half inches in length; any object, device, instrument, material, or substance used or intended to be used to inflict death or serious bodily injury. Possession is defined as the actual or physical control as opposed to fleeting contact. Incident must occur on school grounds, in school vehicles, or at school activities or sanctioned events without the authorization of the school or the school district. If off campus, there must be a sufficient nexus to school.
3. Type Four Offenses – To meet the criteria for expulsion, the incident needs to be a real and immediate danger to the school community or a segment of it, not a conjectural or hypothetical danger or risk
- a. Arson – Knowingly setting fire to, burning or causing to be burned, or by the use of explosives damages or destroys, or causing to be damaged or destroyed, the school building, school property, or property of another person who is on school grounds
  - b. Third Degree Assault – This is the least serious type of assault. Do not use for fights that were planned, agreed upon, or otherwise consented to. Knowing or

recklessly causing bodily injury to another person (but not injuries that rise to the level of Second Degree Assault). Third Degree Assault is not eligible for an Optional Request for Expulsion.

- c. Destruction or Theft of School Property (over \$5000) – Knowingly taking, using, destroying, concealing, or abandoning school property of value \$5000 or greater without permission or by threat or deception with intent that the property will not be returned.
- d. Possession of an explosive (non-fireworks/firecrackers) that seriously endangers the welfare or safety of others – Possession of any chemical compound mixture, or device, the primary purpose of which is to function by explosion, i.e. dynamite, black powder, pellet powder, detonators, safety fuses, igniter cord, igniters
- e. Assault, harassment, false allegation of abuse or willfully causing property damage against a school employee – Knowingly assaulting, harassing, making false allegation of abuse, OR, damaging the personal property of a school employee.
- f. Hazing Activities – Recklessly endangering the health or safety of, OR, causes a risk of bodily injury to an individual for the purpose of initiation into or affiliation with a student organization
- g. Child Abuse – Definitions included on the [Commons site for Mandatory Reporting](#)
- h. Unlawful sexual behavior, unlawful sexual contact, and indecent exposure – Refer to the [Discrimination Prevention & Response Process/Unlawful Sexual Behavior Definitions](#) for forms of unlawful sexual behavior. Unlawful sexual contact is knowingly making contact with the complainant's intimate parts for the purpose of sexual arousal, gratification, or abuse if respondent knows complainant does not consent. Intimate parts are the external genitalia or perineum of the anus or the buttocks or the pubes or breast of any person. Consent is cooperation in act or attitude, an exercise of free will and with knowledge of the nature of the act. Indecent exposure is the knowing exposure of genitals or masturbation to any person's view when likely to cause affront or alarm with intent to arouse or satisfy sexual desire.
- i. Witness Intimidation or Retaliation - By the use of a threat, harassment, or act of harm to a person (or their property) who has acted, or is believed to act in the future as a witness in a criminal, civil, or school process with possible disciplinary consequences. A student influences the witness to withhold factual information or provide false information, induces the witness to avoid participation in the proceeding or process inflicts harm or injury prior to or after the witness's participation
- j. Other student behavior presenting an active or ongoing danger to the welfare or safety of school occupants – Serious behavior on or off school property that is detrimental to the welfare or safety of another person or group of people, such as threats of imminent physical violence or act of physical harm against a specific person or persons, location, or entity. Incident must not meet the criteria for another category of conduct on this Matrix. Is determined on a case-by-case

basis, but must have sufficient nexus to school to qualify for possible disciplinary consequence.

- k. Habitual Disruption – A student who has caused a material and substantial disruption on school grounds, in a school vehicle, or at a school activity or sanctioned event three or more times during the course of a school year. (Must have all of the documentation called for through the [Habitually Disruptive Guidance Document](#), and have been working closely with the Discipline Program Manager to meet the criteria for possible expulsion hearing)
- l. Recurring Type One offenses (ECE - 3rd grade may not receive this offense type) - Students who repeatedly engage in Type One offenses despite the implementation of Ladder Levels A through E with fidelity, continuous monitoring, and documentation of outcomes, can be elevated from a Type Three - Recurring Type One offense to the Type Four - Recurring Type One offense. (Refer to the [Habitually Disruptive Guidance Document](#)) Type Four - Recurring Type One offense is not eligible for an Optional Request for Expulsion.

#### Definitions of Related Terms

1. In-school Suspension - Refers to an incident resulting in a student being temporarily removed from the classroom/school activity for disciplinary reasons, with continued in-school supervision by school faculty/staff
2. Out-of-School Suspension - Refers to an incident resulting in a misbehaving student being temporarily removed from the school grounds and school sanctioned activities to home or an alternative, such as a juvenile detention facility
3. Expulsion – Refers to the removal of a student from the student’s school of enrollment for disciplinary purposes for a period of time, up to a full calendar year

#### Guidance

The [Student Discipline Ladder](#) is the companion document to the [Student Discipline Matrix](#). The Matrix lists misbehaviors/offenses beginning with Type One, the least severe misbehaviors, through Type Six, the most severe misbehavior. The Ladder provides the necessary steps for building-based responses to Type One through Four misbehaviors. The Ladder does not address the steps taken by a discipline building leader when a student’s behavior meets the criteria for a possible expulsion for a Type Four through Six misbehavior. This document will provide those steps. All relevant discipline documents are found on the [Commons/Discipline Documents](#) page.

#### Expulsion Request Process

The expulsion request process is initiated when a student’s misbehavior is identified as a Type Four, Five, or Six offense. It is important to note that Type Four offenses must meet the criteria for a review for possible expulsion by posing a real and immediate danger to the safety of the school community or a segment of it. All Type Five offenses and the Type Six offense meet the criteria for a real and immediate danger to safety, and the submission of a review for a possible expulsion/expulsion is mandatory for these offenses. Note: There are certain protections for students with disabilities or potential disabilities. Consult the student’s Special Education case

manager for the procedure for a Manifestation Determination Review. Outcome of this procedure will determine whether or not a request for expulsion can be submitted.

### Differential Processing of an Offense Based on the Grade of the Student

In DPS, students in ECE (Early Childhood Education) through 3rd grade, are not eligible for expulsion, with the exception of the Type Six offense - Firearm. The Type Six offense – Firearm is a federal law. Students in the ECE through 3rd grade range are not to be suspended out-of-school, except when an offense severely impacts staff and student safety. Consult Operational Superintendent and Discipline Program Manager before suspending student.

#### Type Six Offense – Firearm

1. Students ECE – 3rd Grade
  - a. Only offense for which it is mandatory for a Discipline Building Leader to submit an expulsion request for a student who is 9 years old or younger. Expulsion Request process is identical to the one used for students in 4th through 12th grades. The process is described below in that section.
  - b. Possession must occur in a school building, on school grounds, or at a school-sanctioned event. Consideration for expulsion of a student who is in possession of a firearm in any other location will be on a case-by-case basis. Contact Discipline Program Manager if possession not on school grounds.
  - c. Mandatory referral to the DPS Department of Safety and the Denver Police Department
  - d. Essential Protocol – Full Threat Appraisal
  - e. Students with disabilities/potential disabilities have certain protections. Consult the student’s Special Education case manager.
  
2. Students 4th - 12th Grades
  - a. Mandatory for the Discipline Building Leader to submit an expulsion request for all students 4th through 12th grades. Expulsion Request process described below
  - b. Possession must occur in a school building, on school grounds, or at a school-sanctioned event. Consideration for expulsion of a student who is in possession of a firearm in any other location will be on a case by case basis. Consult Discipline Program Manger.
  - c. Mandatory referral to the DPS Department of Safety and the Denver Police Department
  - d. Essential Protocol – Full Threat Appraisal
  - e. Students with disabilities/potential disabilities have certain protections. Consult the student’s Special Education case manager.

#### Type Five and Four Offenses

1. Students ECE – 3rd Grade
  - a. Expulsion request process not applicable

- b. Discipline Building Leader gathers information about the misbehavior through interviews (See [BOE JIH](#) Student Interviews, Interrogations, Searches, and Arrests. Statements collected, when appropriate)
- c. Discipline Building Leader photographs contraband, if applicable (See Guidance Document entitled Guidelines for the Photographing and Handling of Weapons and Other Paraphernalia on the [Discipline Documents](#) page on the Commons)
- d. Mandatory referral to DPS Department of Safety, Denver Police Department and/or Denver Department of Human Services. Mandatory referrals depend upon the offense and the age of the student. See [Student Discipline Matrix](#)
- e. Mandatory referral to [Discrimination Prevention & Response Designee](#) for Type Five - Sexual Assault offense and Type Four – Unlawful sexual behavior, Unlawful sexual contact, and indecent exposure. Guidance accessed through the Discrimination Prevention & Response Process
- f. Essential Protocol - Full Threat Appraisal for each offense
- g. Essential Protocol – Discrimination Prevention & Response Process for Type Five - Sexual Assault and Type Four - Unlawful sexual behavior, Unlawful sexual contact, and indecent exposure. Contact the Discrimination Prevention & Response Designee in your school for guidance.

## 2. Students 4th - 12th Grades

- a. Discipline Building Leader gathers information about the misbehavior through interviews (See [BOE policy JIH](#) Student Interviews, Interrogations, Searches, and Arrests. Statements collected, when appropriate)
- b. Discipline Building Leader photographs contraband, if applicable (See Guidance Document entitled Guidelines for the Photographing and Handling of Weapons and Other Paraphernalia found on the Discipline Documents page of the Commons)
- c. Essential Protocol(s) completed (See Student Discipline [Matrix](#) for Essential Protocols required for the offense)
- d. Mandatory Referrals applicable to the offense are made (see Discipline [Matrix](#) for applicable Referrals)
- e. When offense is under investigation by the Denver Police Department (or a police department in the jurisdiction where the offense occurred), delay the building-level investigation until the police department releases the case back to the school

## The Expulsion Process

- 1. Infinite Campus/Behavior (Must have [editing rights to IC/Behavior](#))
  - a. Document the incident in Infinite Campus/Behavior Management
  - b. Each incident that is coming forward with an expulsion request must have the following Resolutions documented in IC Behavior



- i. Out-of-School Suspension
    - ii. Referral to DPS Dept. of Climate & Safety, and Law Enforcement in relevant cases (per the [Matrix](#) Mandatory Referrals)
    - iii. Extended Suspension Requested
    - iv. Expulsion Hearing Requested
  - c. Double check each of the dates, including the incident date, to be certain the IC documentation is the same as the dates provided to the legal guardian on the Parent Notification Letter of OSS Up to 5 Days and the Expulsion Request Document (Documents found on the [Discipline Documents](#) page of the Commons)
  - d. Discipline Building Leader can suspend the student out-of-school for 3 school days with an additional 2 school days for a total of 5 school days when safety concerns exist for a Type Five or a Type Four offense for students in 4th through 12th grades
2. Discipline Documents (Found on [Discipline Documents](#) page of the Commons)
- a. At the time of the initial suspension, the Discipline Building Leader completes and immediately provides the following documents to the legal guardian with all names, except the name of the student for whom the request is being made, listed as Student A, Student B, Teacher A, Administrator A, etc., as relevant
    - i. Parent Notification Letter of OSS Up to 5 Days
    - ii. Discipline Incident Report
  - b. If student is a student with a disability/potential disability under IDEA (IEP) or ADA (504 Plan), complete Manifestation Determination during the first 5 days of suspension. Contact student's case manager
    - i. If the behavior/offense is NOT considered to be a Manifestation of the disability, the Discipline Building Leader can move forward with the expulsion request ([Discipline Documents](#) page of the Commons)
  - c. The complete Expulsion Request Packet must be submitted to the [Expulsionhearings@dpsk12.org](mailto:Expulsionhearings@dpsk12.org) email during the first 5 days of out-of-school suspension. The completed Packet includes:
    - i. Expulsion Hearing Request Checklist – Guide to the assembly of the complete expulsion request and attachments
    - ii. Parent Notification Letter of OSS Up to 5 Days – Provided to the legal guardian at the time of the initial suspension and again in the expulsion request
    - iii. Discipline Incident Report – Provided to the legal guardian at the time of the initial suspension and again in the expulsion request
    - iv. Memo Requesting Extension to Suspension and Recommendation Regarding Possible Expulsion – Provided to the legal guardian at the time of the expulsion request
    - v. Evidence for Hearing (Listed on Checklist. Attached to request as applicable)
      - 1. Statements - Written statements made by the student for whom the expulsion request is being made, may not be used as



- evidence in the hearing unless the student's legal guardian was present at the time the student signed the statement, or unless school officials made a reasonable attempt to contact the parent/guardian. ([Policy JK-R](#) Section 6-8 (E-1) and [Policy JIH](#))
2. Photographs – Use Guidelines for the Photographing and Handling of Weapons and Other Paraphernalia (Found on the [Discipline Documents](#) page on the Commons)
  3. Full Threat Appraisal – Complete Full Threat Appraisal (see [Matrix](#) for relevant offenses) with building-level full Threat Appraisal team. The school psychologist or school social worker can provide the document and facilitation for this.
  4. Manifestation Determination – Complete during first 5 days of suspension for any student with a disability under IDEA or Section 504 of the Rehabilitation Act of 1973; or for any student for whom an evaluation for a possible disability is being considered. Consult student's case manager.
- d. Submitting the Complete Request Document and Possible Attachments
- i. Provide in-person, by email, or by certified mail, a redacted copy of the complete Expulsion Request Packet to the legal guardian at the same time it is submitted to the Expulsion Hearings email address [expulsionhearings@dpsk12.org](mailto:expulsionhearings@dpsk12.org). This initiates the district-level review process. Note: the documents emailed to Expulsion Hearings is not redacted. All names are visible.
  - ii. Secure a written acknowledgement from the guardian that the completed Expulsion Request Packet has been received by them.
  - iii. Each time the request document is corrected (as directed by the Discipline Program Manager), a redacted copy of the complete Request Packet must be provided to the legal guardian when it is submitted to the Expulsion Hearings email address for continued review.
  - iv. If the legal guardian prefers the documents in a language other than English, it is the responsibility of the Discipline Building Leader to have all of the documents translated into the language the legal guardian prefers. Translations can be requested through [Multilingual Communications](#).
- e. When the Request Document is received by the Expulsion Hearings email, the following occurs
- i. The Request is reviewed by the Discipline Program Manager for accuracy
  - ii. If corrections need to be made, the request will be returned to the Discipline Building Leader with guidance for the necessary corrections. This exchange may occur more than once. The request document and all of the attachments will need to be translated and the translation provided to the legal guardian each time a correction is made and submitted to the Expulsion Hearings email address for continued review.
  - iii. Once the request is without errors, the Discipline Program Manager notifies the Discipline Building Leader of the approval or denial of the

- request. The submission of an expulsion request does not guarantee the expulsion hearing will be approved.
- iv. If approved for extended suspension and expulsion hearing, the Discipline Building Leader will be provided with an email from the Discipline Program Manager detailing the next steps. (Described below.)
  - v. If the request for extended suspension and expulsion hearing is denied, the Discipline Program Manager will offer consultation support to the school by district level behavior strategy experts to facilitate the reinstatement of the student
- f. What to do if the first 5 days of suspension has been exceeded and the request for an extended suspension is being developed or is in the review process
- i. When the first 5 days of suspension is exceeded without approval for an extended suspension, the student is returned to school to an in-school suspension-like setting with access to all of the student's typical coursework, materials, texts, and supports. If the student is a student with a disability, the supports and accommodations provided by the IEP/504 Plan must be provided
  - ii. Student will remain in this setting until the district-level review of the request is complete. The Discipline Program Manager will provide the Discipline Building Leader with the next steps

#### How to Prepare for the Expulsion Hearing

Overview: The following describes what to expect once an expulsion request has been approved for an expulsion hearing.

The Policy: The [DPS School Board Policy JK-R](#) Student Conduct and Discipline Procedures presents "Procedures for Expulsion" in Section 6-8. This guidance document will incorporate that information, and go beyond it to describe the actual experience once an expulsion request has been approved for an expulsion hearing.

Guidance:

#### 1. Initial Actions

- a. Once an expulsion request has been accepted for an expulsion hearing, the Discipline Building Leader will receive an email notification from the Student Discipline Program Manager summarizing the incident, and providing a notification of the approval of the extended suspension and expulsion hearing.

The email will include:

- i. a summary of the facts of the incident
- ii. the confirmation of the dates of the approved extended suspension requested
- iii. Discipline Building Leader provides the Notification of Extended Suspension to the guardian in person, by email, or certified mail. This Notification document will be attached to the email from the Discipline Program Manager. If the legal guardian prefers a language that is not

- English, the Notification will need to be translated into the language the legal guardian prefers. The Discipline Building Leader can request translation through [Multilingual Communications](#)
- iv. Also in the email to the Discipline Building Leader will be the contact information for the Executive Secretary supporting the expulsion process. The Discipline Building Leader will contact the Executive Secretary to arrange the date, time, and location for the hearing. Hearings are typically held at the school requesting the expulsion. Alternative locations can be arranged if significant safety concerns exist as a result of the misbehavior.
  - v. The Discipline Building Leader will have the responsibility for contacting the parent/legal guardian to confirm the date/time/location for the hearing. The Discipline Building Leader will confirm this also with the Executive Secretary supporting the expulsion process
  - vi. When a student and/or the family prefer a language that is not English, the Discipline Building Leader must contact the [Multilingual Communications](#) to secure an interpreter for the hearing.
  - vii. The family and student have a right to be represented by an attorney at the hearing. If the family retains an attorney, the attorney will need sufficient time to review all of the documents that will be used at the hearing. If you become aware of a family's representation by an attorney, immediately contact the Executive Secretary for the expulsion process. If a family secures an attorney to represent the student at the hearing, an attorney representing Denver Public Schools will also be present at the hearing. Executive Secretary for expulsion will contact the DPS Legal Department to arrange legal representation.

## 2. While Awaiting the Hearing

- a. The Discipline Building Leader and other school faculty will make every reasonable effort to encourage the student and family to work with the student's teachers to engage productively with coursework requirements during the period of extended suspension. The student is allowed to receive full credit for the completion of coursework during the initial suspension and the extension of the suspension. ([JK-R](#) Section 6-1 (D))
- b. Review the Case
  - i. In preparation for the hearing, the Discipline Building Leader representing the school will review the information gathered about the student's case during the course of the fact-finding and will review all of the documentation that was included in the Expulsion Request Packet
  - ii. Copies of all documentation that is going to be used by the school at the hearing must have been provided to the guardian and the guardian acknowledged receiving, when the Expulsion Request Packet was submitted for review by the Discipline Program Manager.

3. Participants at the Hearing - In addition to the hearing officer, the following are the individuals who are integral to a hearing:
  - a. Hearing Officer
  - b. Discipline Building Leader
  - c. Building Leader
  - d. Student
  - e. Legal Guardian
  - f. Attorneys: When the student is being represented by an attorney, a DPS attorney will also need to be present
4. Presenting at the Hearing
  - a. Prior to coming to the hearing, review the facts of the case. Present them objectively. Be succinct. If anyone has additional questions, they will ask. Refrain at all times from interjecting opinion or feeling.
  - b. The hearing will be conducted by a hearing officer who is an independent contractor
  - c. All testimony and information presented at the hearing will be presented under oath
  - d. Individuals presenting information can be questioned by all present in the hearing, not just the hearing officer
  - e. Documents can be brought to the hearing and referenced if the guardian has been given copies of the documents or otherwise informed of the existence of a particular source of documentation, such as video, ahead of the hearing. The guardian must be given a sufficient amount of time prior to the day of the hearing to review and consider the contents of the documents or other sources of information

### Student and Parental Rights

#### Guidance:

Student and parental rights relative to out-of-school suspensions and expulsion can be found in [BOE Policy JK-R](#) Section Six: Suspensions or Expulsions. In addition to JK-R, rights can be found embedded in each of the Board of Education (BOE) Section J policies.

In addition to the Board of Education policies, there are several key federal laws governing the rights of students and parents. The Office of Civil Rights (OCR) provides protections to individuals based on protected classes. The Family Educational Rights and Privacy Act (FERPA) ensures that the personal information contained in a student's educational record is properly safeguarded and used only for legitimate purposes and only when absolutely necessary. The FERPA provisions are included in the Individuals with Disabilities Education Improved Act (IDEIA). IDEIA is more restrictive than FERPA about a student's educational records. The Americans with Disabilities Act (ADA) provides civil rights protections, similar to OCR, to students with disabilities. Section 504 of the Rehabilitation Act of 1973 protects the civil and constitutional rights of persons with disabilities. Therefore, when releasing information regarding a discipline event, be certain that it is for a legitimate purpose and released only when absolutely necessary.

### Returning the Student to the School Requesting Expulsion or from Which the Student was Expelled

1. Students have the right to return to the school requesting expulsion when:
  - a. The expulsion request has been denied at the district review level
  - b. The student is not expelled at the hearing by the hearing officer
  - c. The student has been expelled and the period of expulsion has expired
  - d. Occasionally, significant concerns arise when considering returning a student to a school. These will be addressed collaboratively on a case-by-case basis.  
Contact the Student Discipline Program Manager to initiate this collaboration.
2. When a student is being returned to the school originating the expulsion request, the student is supported through Restorative Practices and planning for the behavioral support and supervision.
  - a. Particular consideration needs to be provided to anyone in the school who may have been victimized by the student during the offense leading to the expulsion request.
  - b. The Action & Intervention Plan created at the Full Threat Appraisal lays the foundation for support and supervision of the reinstated student.
  - c. School discipline teams can invite [district experts](#) to be active participants in the process of reinstating a student. At the school level, the school psychologist and school social worker can assist with the development of plans to build prosocial skills enabling the student to be successful upon the student's return. In addition to the building-level support staff, there are a number of [district level staff](#) that can take an active role in setting the stage for successfully returning the student to school and providing consultation support for building the student's skills. The district-level support experts include:
    - i. The school's Operational Superintendent
    - ii. District Safety Coordinators
    - iii. Student Discipline Program Managers
    - iv. Family & Community Engagement partners
    - v. Department of Social Work & Psychological Services
    - vi. Special Education
    - vii. School Based Health Clinics
    - viii. Community partners