

STUDENTS

RIGHTS AND RESPONSIBILITIES - EXPULSION

Under the School Code of Illinois, the Board of Education is authorized to expel students guilty of gross disobedience or misconduct.

The Superintendent or designee shall implement expulsion procedures that provide, at a minimum, for the following:

1. Before a student may be expelled, the student and his or her parent(s)/guardian(s) shall be provided a written request to appear at a hearing to determine whether the student should be expelled. The request shall be sent by registered or certified mail, return receipt requested. The request shall:
 - a. Include the time, date, and place for the hearing.
 - b. Briefly describe what will happen during the hearing.
 - c. Detail the specific act of gross disobedience or misconduct resulting in the decision to recommend expulsion.
 - d. List the student's prior suspension(s).
 - e. State that the School Code allows the School Board to expel a student for a definite period of time not to exceed 2 calendar years, as determined on a case-by-case basis.
 - f. Ask that the student's parent(s)/guardian(s) or attorney inform the Superintendent or Board Attorney if the student will be represented by an attorney and, if so, the attorney's name and contact information.
2. Unless the student and parent(s)/guardian(s) waive their right to a hearing, the hearing will proceed. It shall be conducted by the Board or hearing officer appointed by it. If a hearing officer is appointed, he or she shall report to the Board a written summary of the evidence presented at the hearing and the Board shall take such final action as it finds appropriate. Whenever there is evidence that mental illness may be the cause for the recommended expulsion, the Superintendent or designee shall invite a representative from the Department of Human Services to consult with the Board.
3. During the expulsion hearing, the Board or hearing officer shall hear evidence concerning whether the student is guilty of the gross disobedience or misconduct as charged. School officials will present evidence as to: (1) whether other interventions were attempted or whether it was determined that there were no other appropriate and available interventions, and (2) the threat or disruption posed by the student. The student and his or her parent(s)/guardian(s) may be represented by counsel (at their expense), offer evidence, present witnesses, cross-examine witnesses who testified, and otherwise present reasons why the student should not be expelled. After presentation of the evidence or receipt of the hearing officer's report, the Board shall decide the issue of guilt and take such action as it finds appropriate.

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4. If the Board acts to expel the student, its written expulsion decision shall:
 - a. Detail the specific reason why removing the student from his or her learning environment is in the best interest of the school.
 - b. Provide a rationale for the specific duration of the expulsion.
 - c. Document whether other interventions were attempted or whether it was determined that there were no other appropriate and available interventions.
 - d. Document whether the student's continuing presence in school would (1) pose a threat to the safety of other students, staff, or members of the school community, or (2) substantially disrupt, impede, or interfere with the operation of the school.
5. Upon expulsion, the District may refer the student to appropriate and available support services.

LEGAL REF.: Illinois School Code, Sec. 10-22.6 (105 ILCS 5/10-22.6(a);
Goss v. Lopez, 95 S.Ct. 729 (1975)

CROSS REF.: 710.01 and 715.01

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