

Policy

EXPULSION OF STUDENTS

Code **JKE** Adopted **5/17/1988** Latest Review **8/15/2024** Latest Revision: **8/15/2024**

The board acknowledges that serious breaches of acceptable standards of behavior may result in expulsion from school in accordance with applicable state and federal law and regulation and district policy. The district will provide due process of law to students whose misconduct may result in expulsion and to their parents/legal guardians.

Expulsion is the removal of a student from a school for the remainder of the school year or until readmitted by the board. Authority to expel students from school rests solely with the board.

Students who are expelled from school are prohibited from entering a school or school grounds, attending any school functions or activities (including those occurring during the school day, after school or night school) or riding a school bus for the durations of the expulsion period. An expelled student may only enter the school or school grounds for a prearranged conference with the principal.

Students who have been expelled from another school district will not be allowed to enroll in Florence District Three schools during the year of their expulsion. In such cases, upon request, the student will be allowed a hearing regarding the district's denial of enrollment pursuant to the expulsion hearing procedures set forth in this policy and administrative rule.

Every expelled student will have the right to petition for readmission for the succeeding school year.

Weapons

See policy JICI, *Weapons in School*, for expulsion information relating specifically to weapons (firearms).

Threats of Violence

The board will expel any student who knowingly and intentionally delivers or communicates a threat to commit bodily harm to any student or staff member by use of a weapon if the board or its designee determines at the hearing that, at a minimum:

- The threat was directed at a specific students, staff member, or school;
- An ordinary person reviewing the threat would have a reasonable expectation of a violent act resulting in bodily harm;
- The student making the threat is reasonably expected to have the ability to carry out the threat; and
- The threat materially and substantially disrupts school operations, including, but not limited to, class cancellation, school and student lockdowns, and parents/legal guardians declining to send students to school in response to the threat

This includes threats made in writing (letter or paper), electronically, or any other form of communication.

The period of expulsion will be no less than one year. The superintendent or the board may, on a case-by-case basis, modify this expulsion requirement.

Students expelled under the section will be provided with access to educational services in an alternative education setting or virtually.

A student may be subject to expulsion for any threat of violence or harm, regardless of whether a weapon is involved, in accordance with policy JICDA, Code of Conduct.

The district will refer each expelled student to the local county office of the Department of Juvenile Justice.

Expulsion of Students with Disabilities

Whenever a student with disabilities commits an offense for which expulsion or removal to an interim alternative education setting may be appropriate, the principal or his/her designee will confer with the Director of the Office of Exceptional Children before initiating such procedures. Additional information on expulsion of students with disabilities can be found in policy JICDA, *Code of Conduct*.

Cf. JICI

Adopted 5/17/88; Revised 5/23/91, 8/19/93, 9/15/94, 2/15/96, 1/20/97, 2/20/97, 5/16/02, 5/10/12, 4/20/17, 3/10/22, 8/15/24

Legal References:

- A. S.C. Code of Laws, 1976, as amended:
 - 1. Section 59-19-90(3) - Authority of board to regulate student conduct.
 - 2. Section 59-63-210 - Grounds for suspension, expulsion, or transfer.
 - 3. Section 59-63-235 - Expulsion of student determined to have brought a firearm to school.
 - 4. Section 59-63-240 - Expulsion hearings.
- B. S.C. Cases:
 - 1. *Davis v. School District of Greenville County*, 374 S.C. 39, 647 S.E.2d 219 (2007).

Administrative Rule

JKE - EXPULSION OF STUDENTS

Revised 8/15/24

The sole authority to expel students belongs to the board.

The board will consider the following factors in determining the appropriateness of expelling a student:

- the student's age
- the student's disciplinary history
- the student's eligibility as a student with a disability
- the seriousness of the violation committed by the student, including any aggravating or mitigating circumstances
- the threat posed to any student or staff as a result of the student's conduct
- the likelihood that a lesser intervention would effectively address the violation

In addition to the factors set forth above, the board will also consider the following factors in determining the appropriateness of expelling a student for threats of violence:

- the threat was directed at specific students, staff, or school
- a person would reasonably expect the threat to result in a violent act causing bodily harm
- the student making the threat could be reasonably expected to have the capacity to carry out the threat
- the threat resulted in a material and substantial disruption to school operations, including, but not limited to, class cancellations, families keeping students at home in response to the threat, or school lockdown

Procedure for Expulsion

Hearing

The expulsion recommendation hearing will be conducted by a hearing committee in a closed hearing. The parents or legal guardian of the pupil shall be notified in writing of the time and the place. The written notification to the parents or legal guardian of the pupil must include their right to have legal counsel present at the hearing, the right to question all witnesses, and contact information for a legal aid service provider which may determine eligibility for free legal representation. The notification must also include the right to access the investigative file in its entirety, to include all documents and videos, at least three days prior to the hearing, with appropriate exemptions and redactions as required by the Family Educational Rights and Privacy Act, 20 U.S.C. Section 1232g. The hearing must take place within 15 days of the notification.

During the hearing, individuals as may have pertinent information will be admitted to the extent necessary to provide such information. Testimony and information may be presented under oath. However, technical rules of evidence will not be applicable, and the hearing committee may consider and give appropriate weight to such information or evidence they deem appropriate.

A sufficient record of the proceedings will be kept so as to enable a transcript to be prepared in the event either party so requests. Preparation of the transcript will be at the expense of the party requesting it. The hearing committee will prepare specific factual findings and issue a written decision within 10 days after the hearing.

Appeal

Within five days after the decision of the hearing committee, the student may appeal the decision to the board. Failure to request an appeal within five days will result in a waiver of the right to appeal, and the hearing committee's decision will become final.

If an appeal is properly requested, the board will review the record concerning the expulsion. The record includes notices and other documents concerning the expulsion, the transcript of the testimony, if any, the hearing exhibits, the findings and recommendation of the hearing officer, the hearing officer's written decision, and other documents concerning the expulsion.

The student may be represented by counsel at the appeal. Representatives of the district and the parent/legal guardian may make brief statements to the board, but no new evidence may be

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presented unless such evidence was not reasonably discoverable at the time of the hearing. Members of the board may ask questions for purposes of clarification of the record.

The board will make final determination regarding the expulsion of the student and will provide written notification of its decision within 10 days of the hearing. The board will also inform the student and his parent/guardian of the right to judicial review of its decision.

Should the board reject an administrative recommendation for expulsion or should a court of reverse the expulsion action, the board will excuse all student absences resulting from said action.