

SUGGESTED PROCEDURE FOR CONDUCTING AN EXPULSION HEARING

The following guidelines are offered recognizing that each expulsion hearing may call for a slightly different method of presentation. Expulsion hearings should be kept informal so that the truth may be obtained and a fair and just result reached.

1. **Advise the Parties of the Procedures to be Followed:**
 - a. The hearing will be closed unless the parent(s)/eligible student waives their rights under the Family Rights and Privacy Act (FERPA) in writing.
 - b. The hearing is being recorded, and either side may request the witnesses be sent to another room and be called individually. The student, the student's parent(s), and/or representative may be present throughout the hearing. Witnesses will be given an oath or affirmation before official testimony.
 - c. No formal rules of evidence will be followed, and the hearing will be informal, as it is not a court proceeding. However, certain procedures may be established that will facilitate the conduct of the hearing.
 - d. The Business Manager or other individual who is receiving the evidence and recording what is said should be identified as the person to whom exhibits and/or other written evidence or materials are to be presented.
 - e. The parties and their respective capacities should be identified for the record, prior to commencing the hearing.
2. **State the Reasons for the Proposed Expulsion:** The hearing officer should read the written reasons that were mailed (preferably by certified mail) or otherwise delivered to the student, their parent(s), and their representative, which are the basis for the possible expulsion. This should be done to assure that the record will adequately reflect the reasons for the proposed expulsion, to substantiate that all parties had notice of the proposed reasons and possible punishment, and to narrow the issues.
3. **Allow the School's Witnesses to Testify and Present Evidence:** The witnesses for the administration will first present their evidence in support of the reasons given for the proposed expulsion. This may be done in any manner that is conducive to reaching the truth and supports the reasons offered for possible expulsion. If necessary to reach the truth or in the interest of fairness, the hearing officer may allow cross examination of witnesses.
4. **Allow Student's Witnesses to Testify and Present Evidence:** The student and/or their representative will then be given an opportunity to present witnesses and evidence to disprove the reasons offered by the school's witnesses. If necessary to reach the truth, or in the interest of fairness, the hearing officer may allow cross examination of witnesses.
5. **Allow Concluding Arguments:** At the conclusion of the presentation of witnesses by the school and the student, each side should be allowed the opportunity to make concluding remarks and arguments regarding the evidence that has been presented and the reasons for the expulsion.

6. **Making the Decision:** The decision whether or not to expel may be made at the hearing, or may be made following the hearing, after the hearing officer has had time to review the evidence. If the decision is delayed, the hearing officer should announce a time at which the decision will be made and notify the student and the student's parent(s) or representative of the decision at that time. The decision of the hearing officer will be in writing and will set forth the basis of the decision. When the hearing officer gives notification of the decision, the hearing officer should also inform the student and the student's parent(s) or representative of the right to appeal the decision to the Board and the procedure for doing so if the Board did not serve as the hearing officer.

End of McClusky School District #19 Exhibit FFK-AR1

[09/17]