

Procedures for Expulsion and the Appeal of Expulsion

Decisions to expel a student shall not be made until there has been a full hearing, unless such hearing is specifically waived by the student and his or her parents or guardian in writing. An accurate record of any hearing will be maintained. Records of expulsions shall be filed in the principal's office of the school where the misconduct occurred with evidence attached. Pending the expulsion hearing, the student may be suspended for up to three days and must then be placed in a Disciplinary Alternative Education Program or in in-school suspension pending the hearing. The hearing must be scheduled within three days. Additionally, the hearing should be held within seven school days from the date of the offense. The date for the hearing may be deferred beyond seven school days with the mutual agreement of the parties; however, the student may not be placed in an unsupervised setting beyond suspension for three days while awaiting the hearing. The school official conducting the hearing shall make a decision concerning the case within seven school days from the hearing date and inform the student and his or her parents or guardians of their right and of the process to appeal the decision to the next-higher administrative level. No student may enroll in any other school within the District until eligible for readmission to his or her school of record. A student may be expelled for up to a full academic year.

If an expulsion is proposed by the principal or his or her designee or assistant principal, the following procedures shall apply:

- (a) The student and his/her parent or guardian must be notified in writing of the reason(s) for the proposed expulsion, and a prompt hearing at the school must be arranged unless waived by the student and his/her parents in writing. The reasons for the proposed expulsion that clearly detail the nature of the offense must be furnished so the student and his/her parent or guardian may prepare a defense. They must also be furnished a copy of the expulsion procedures. They shall be advised that they may present witnesses and documentary evidence to defend against the allegations. The administration may be represented by any person involved in discipline at the school level or by the school attorney, whoever is deemed appropriate.
- (b) The student is entitled to a fair and impartial hearing. The principal may conduct the hearing if he/she is impartial and disinterested, and his/her acts, judgment, or decisions are not an issue in the hearing. If not, the principal shall select an impartial designee to conduct the hearing.
- (c) A student is entitled to be represented by the student's parent or guardian or another adult who can provide guidance to the student and who is not an employee of the school District. The student's representative may be an attorney. If a parent or guardian is unable to attend, he/she may designate an adult to represent the student. The District may require evidence of the appointment by the parent or guardian of any such representative. The hearing will be recorded either by audio recording or court reporter. If the school makes a good-faith effort to inform the student and the student's parent or guardian of the time and place of the hearing, the District may hold the hearing, regardless of whether the student, the student's parent or guardian, or another adult representing the student attends. The school may proceed with expulsion, even though the student withdraws from the District.
- (d) If the evidence presented at the hearing warrants an expulsion in the judgment of the school official conducting the hearing, the hearing official may issue the appropriate expulsion order. A copy of the order should be sent to the student and his/her parents or guardians and to the HISD administrator in charge of the Harris County Juvenile Justice Alternative Education Program (HCJJAEP), who shall forward a copy to the county. If the decision is to expel the student, the administration shall inform the student and the parents or guardians in writing of the decision within seven school days of the hearing date and inform the student and the parents or guardians of the right to appeal the decision to the appropriate area superintendent/designee.

Factors that will be considered in determining the length of expulsion may include seriousness of the offense, student's age, frequency of misconduct, student's attitude, potential effect of the misconduct on the school environment, state law requirements for certain disciplinary consequences, and whether the facts of the case warrant consideration of self-defense as a mitigating factor in the assessment of any punishment. The decision of the school official conducting the hearing must be supported by the evidence and based exclusively on evidence presented at the hearing.

- (e) Any student or his/her parent or guardian who wishes to appeal an expulsion decision shall notify the appropriate area superintendent/designee within three school days of receipt of the decision of the principal or his/her designee. The area superintendent will arrange a time for the appeal hearing. Such notification to the area superintendent shall include or be followed immediately by a letter from the school official who conducted the hearing. The school official who conducted the hearing will provide a complete record of the hearing with a description of the student's conduct, including all offenses and dates. The audio recording or court reporting of the hearing shall accompany and become a part of the record. The area superintendent/designee shall notify the student and the parent, guardian, or representative of the time and place of the hearing. The hearing shall be held within seven calendar days of the date the student and parent or guardian notify the area superintendent of his/her intention to appeal, unless an extension is given.
- (f) At the hearing on appeal, the area superintendent/designee shall conduct a hearing attended by school officials, the student, and the parent or guardian. The appeal is based on the record developed before the principal or his/her designee. Both the administration and the student will be allowed to make a short oral presentation based on the record. The time allowed for the oral presentation is left to the discretion of the hearing officer. The area superintendent/designee may affirm the action of the principal or his/her designee, overrule it, or issue any other appropriate order. A copy of the order shall be sent to the student and his/her parents or guardian and to the HISD administrator in charge of the HCJJAEP. The area superintendent/designee shall inform the student and parent or guardian in writing of the decision within seven school days of the hearing date and inform the student and parent or guardian of the right of appeal to the Board of Education.
- (g) The student or parent or guardian may appeal the decision of the area superintendent/designee to the Board of Education by notifying the Board Services Office in writing of his/her intention to appeal. The notice must be filed within five school days of the receipt of the area superintendent's decision. Appeals to the Board of Education are also appeals on the record; no new evidence may be introduced for any purpose. The appeal before the Board will be limited to a 10-minute oral presentation by both the appropriate administrative representative and by the student or parent or guardian. The hearing will be in closed session, unless an open hearing is requested by the student or parent or guardian. Decisions of the Board of Education may be appealed to state district court in Harris County. Before ordering the expulsion of a student, the Board of Trustees must consider whether the student acted in self-defense, the intent or lack of intent at the time the student engaged in the conduct, the student's disciplinary history, and whether the student has a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct, regardless of whether the decision of the Board concerns a mandatory or discretionary action.
- (h) Ordinarily, a student may not be expelled for a period that exceeds one year, unless the area superintendent/designee also makes a determination after a review that:
 - (1) the student is a threat to the safety of other students or District employees;
 - (2) extended placement is in the best interest of the student; or
 - (3) the student engaged in sexual assault or aggravated sexual

assault against another student, in which case any limitation on the length of placement does not apply

At whatever appellate level in which an expulsion order becomes final, a copy of the final written order expelling the student shall be delivered to the student and the student's parent or guardian by the

HISD administrator in charge of the HCJJAEP, who shall forward a copy to the chief juvenile probation officer of Harris County.

When necessary to ensure effective communication, any notice required to be sent to the parent or guardian of a student shall be written in the language spoken by the parent or guardian. If the language spoken by the parent or guardian is other than English or Spanish, such notice shall be written in such other language necessary for communication.

HISD will honor expulsion orders from other school districts and shall not admit a student expelled from another district until the student completes the period of expulsion.

Procedures for Teacher Removal of Students

The Texas Education Code provides teachers with three ways to maintain discipline by removing unruly or disruptive students from the classroom. Each alternative for removal of students carries different disciplinary and administrative consequences. This section sets forth the three different alternatives

Reasons for Teacher Removal of Students Alternative I

- A teacher may send a student to the principal's office to maintain effective discipline in the classroom as stated under Levels I and II (see pp. 6-7).

Disciplinary Options Under Alternative I

- If the student is removed to maintain effective discipline as stated under Alternative I, the principal is free to employ any disciplinary management technique or option authorized by the *Code of Student Conduct* as determined by the level of the offense and the seriousness of the misconduct. The student removed under this provision may be returned to the teacher's class. This alternative corresponds to Levels I and II and to the Optional Removal to a DAEP under Level III.

Alternative II

- A teacher may remove a student from class who has been documented by the teacher to repeatedly interfere with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn. Documentation should ordinarily be through a written factual account of the behavior that is occurring in the classroom.
- A teacher may remove a student from class whose behavior the teacher determines is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn.

Disciplinary Options Under Alternative II

- If the student is removed by the teacher under Alternative II, and the teacher has appropriately documented the reasons for the removal, the student may not be returned to the teacher's class without the teacher's consent. Subject to the review procedures outlined in this section, the disciplinary options available to the principal include:
 - placement in another appropriate classroom
 - placement in in-school suspension
 - placement in a Disciplinary Alternative Education Program

Review for Students Removed Under Alternative II

- Not later than the third class day after the day on which a student is removed under this section, the school principal shall schedule a conference with the principal or his or her designee, a parent or guardian of the student, the teacher removing the student from the class, and the student.
- While waiting for the conference, the student may not be

returned to the regular classroom without the teacher's consent. Pending the conference, the principal may place the student in in-school suspension, in another class, or in a DAEP.

- At the conference, the student is entitled to written or oral notice of the reasons for the removal, an explanation of the basis for the removal, and an opportunity to respond to the reasons for the removal.
- Following the conference and whether or not each requested person is in attendance after valid attempts to obtain the person's attendance, the principal may place the student in another class, in in-school suspension, in a DAEP, or may return the student to the class of the teacher who removed the student, unless the teacher objects to the student's return. If the teacher objects, the principal may refer the student to the Campus Placement Review Committee for a determination as to placement.
- The teacher may not be coerced to accept the student without a determination by the Campus Placement Review Committee. The Campus Placement Review Committee will make a determination as to whether the student may be returned to the removing teacher's class. The student may not be returned to the teacher's class without the teacher's consent, unless the committee determines that such placement is the best or only placement available. In the case of Special Education students, the decision on placement may be made only by a duly constituted Admission, Review, and Dismissal Committee (ARD).

Placement Review Committee Under Alternative II

Each school shall have a placement-review committee composed of three members. The committee will determine placement of a student when a teacher has removed the student under Alternative II and refuses to allow the return of the student to the teacher's class. The committee will make a final determination of the student's placement when a student is removed under this section.

- The campus faculty shall choose two teachers to serve as members and one teacher to serve as an alternate member.
- The principal shall choose one member from the professional staff of the campus.
- The teacher refusing to readmit the student may not serve on the committee.

If the teacher removed the student from class for engaging in assault, aggravated assault, sexual assault, aggravated sexual assault, or assault against the teacher, the student may not be returned to the teacher's class without the teacher's consent. The teacher may not be coerced to consent. In accordance with federal law, the placement of a student with disabilities may be changed only by a duly constituted ARD committee.

Alternative III

- A teacher is required to remove from class and send to the principal for placement in a Disciplinary Alternative Education Program or for expulsion any student who engages in Level IV or Level V misconduct.

Disciplinary Options Under Alternative III

- If the student is removed under Alternative III for engaging in Level IV or Level V misconduct, then the student may or shall be removed to a DAEP or expelled as appropriate or as required by state law. Procedures for removal to a DAEP or for expulsion shall be followed (see pp. 17-20).

Student Complaints: Board Policy FNG(LOCAL)

INFORMAL PROCESS: The Board of Education encourages students and parents to discuss their concerns and complaints through informal conferences with the appropriate teacher, principal, or other campus administrator.

FORMAL PROCESS: If an informal conference regarding a complaint fails to reach the outcome requested by the student or parent, the student or parent may initiate the formal process