

TITLE: Expulsion

State Board of Education Ref: 18A-5-1; 18A-5-1a

EXPULSION

In all cases involving expulsion, a student is entitled to formal due-process procedures. Therefore, under due-process a student is entitled to the following rights if the county board of education agrees to act upon the recommendation to expel the student from school:

1. The county board of education must hold a hearing on the expulsion.
2. The student's parents and the student must be given a written statement of the specific charges.
3. They must also be given a written notice of the time and place of the board of education hearing during which the expulsion will be considered. This notice must be given far enough in advance for the student to have time to prepare an adequate defense against the charges.
4. The students and their parents or guardians have a right to be present at the board hearing and to defend against the charges.
5. If the student desires, an attorney may represent them at the hearing, at their own expense.

At the hearing, persons having direct knowledge of the facts should be called to testify. Hearsay evidence alone is not sufficient; there must be other evidence.

As in courts, the burden of proving guilt rests upon the person making the charges, and the student is entitled to a presumption of innocence unless the contrary is proven.

In other words, as any citizen of the United States, the student is innocent until proven guilty, and the board of education must take this into consideration when making its decision.

If the board of education decides that the charges against the student are serious enough to warrant the expulsion, it may expel the student from school.

Expulsion by the board of education is final; however if the student believes that due process was not given, appeal may be made to the State Superintendent of Schools. If the State Superintendent finds that the board's decision to expel the student was properly made, then the expulsion will stand unless overturned by a court.

APPROVED

JUN 13 1984

GILMER COUNTY
BOARD OF EDUCATION