

Batavia Public Schools

7:210-E5 - Expulsion Packet Cover Sheet

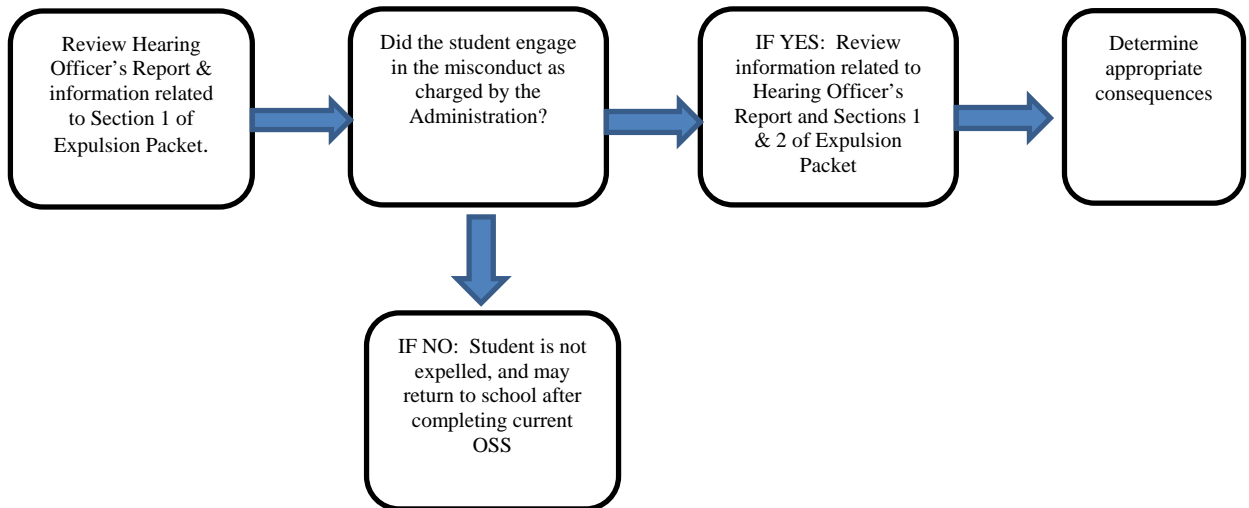
In student expulsion proceedings, the Board is asked to make two decisions based solely on the evidence presented: (1) Whether the student is guilty of the conduct as alleged by the Administration; and (2) If so, what should be the penalty? These are separate and distinct questions, each requiring the review of different information. Although there is one expulsion packet, there are two distinct sections:

Section One

The first question requires the Board to determine if the student actually engaged in the misconduct as charged by the Administration. Obviously, if the Board resolves this question in favor of the student, the second question is never reached. To determine whether the student is indeed guilty of the alleged misconduct, the Board should limit its review to evidence that is relevant. Generally, this limits information to the precipitating incident that led to the recommendation for expulsion.

Section Two

Assuming the Board finds the student guilty of the misconduct alleged, the Board may now consider the appropriate punishment. In this phase, evidence that is not relevant to whether the student committed the offense, is now relevant in determining what the punishment should be. This includes the student's attendance record, grade reports, discipline records, and a variety of other documents. The egregiousness of the conduct can be considered, as can the likelihood that such conduct will affect the delivery of educational services to other students. Decisions can also incorporate what may be in the student's best interests.



Batavia Public Schools Expulsion Packet

Section One

**Batavia Public Schools
Expulsion Packet
Section One**

Student Name: Joe Smith
Student ID Number: 674378
Building: Rotolo Middle School
Grade: 8

Parent/Guardian Information
Mr. and Mrs. John Smith
555 Main Street
Batavia, IL 60510

Table of Contents

| Page | Item Description |
|-------------|---|
| 1 | Expulsion Information Summary (Include a statement indicating that the expulsion would take effect immediately following a Board of Education decision). (Include recommendation for Safe Schools if appropriate) |
| 2 | Receipt of Student Handbook (w/Student Signature) |
| 3 | Relevant Section of Student Handbook |
| 5 | Suspension Letter from precipitating incident |
| 6 | Copy of Disciplinary Referral from precipitating incident |
| 7-8 | Police Report from precipitating incident |
| 9-12 | Student/Staff statements relating to precipitating incident |
| 12-16 | Board Policy 7:190 regarding student discipline |
| 17 | District Notification Letter to Parents Regarding Expulsion Hearing |
| 18 | Other supporting documents relevant to the precipitating incident |

Expulsion Information Summary

Rational for Expulsion

On 10/7/09, Joe was found to have committed an offense of the school's disciplinary policy relating to being under the influence/use or possession of a drug or drug type paraphernalia.

Page 20 of the student handbook states that it is a violation to be:

Under the influence or in possession (in quantities insufficient to suspect intention to sell or distribute) of any drug, narcotic, alcoholic beverage, or "look-alike" substance or drug type paraphernalia.

First offense = Parent contact, 10-day out-of-school suspension, availability of outside intervention sources (suspension MAY be reduced for program enrollment and completion). Police authorities will be contacted. This step reflects one offense per building enrollment – not one offense each school year.

Repeat offenses = Parent contact, 10-day out-of-school suspension with recommendation for expulsion. Police authorities will be contacted.

As this offense was Joe's second violation of this policy, a 10 day out-of-school suspension was issued along with a recommendation for expulsion.

Summary of the Incident

On 10/7/09, a student came to the Student Services Office after lunch and reported that Joe Smith was talking about having to get rid of a "bag of weed" that was in his backpack before he got home. Officer Warner (School Resource Officer) and Assistant Principal Mark Anderson went to Joe's locker, retrieved his backpack, and then escorted the student from class to the office. Mr. Anderson asked Joe if he had anything in his backpack that should not be in school; he replied "no". Joe opened his backpack, which revealed a small bag of marijuana, a glass marijuana pipe, and a lighter. Joe originally denied the items belonged to him, but eventually admitted that the marijuana, glass pipe and lighter were his.

Joe initially indicated that the marijuana was from a previous incident when he was caught with in school two weeks prior. However, he later admitted that he had smoked marijuana on the way to school that day.

Joe was arrested by Officer Warner.

This was Joe's second (2nd) drug related offense at Rotolo Middle School. He was suspended earlier this school year for the same offense.

Administrative Recommendation

The safety and overall well-being of the students and staff at Rotolo Middle School is crucial in being able to provide a safe learning environment. Joe's actions listed above jeopardize the ability to provide such an environment. The school's handbook states that repeated offenses of being under the influence or in possession of a drug or drug type paraphernalia results a ten (10) day out of school suspension with recommendation for expulsion.

Based on a review of Joe's discipline and academic record, the Rotolo Middle School Administration recommends the expulsion of Joe Smith for the remainder of the 2009-10 school year. This expulsion would take effect immediately following a Board of Education decision.

Consideration should be given to the option of Safe Schools.

Batavia Public Schools Expulsion Packet

Section Two

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Expulsion Packet
Section Two

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| Page | Item Description |
|-------------|---|
| 19 | Summary of Major Disciplinary Offenses |
| 20-31 | Discipline History (Copies of Discipline Log, Referrals, Suspension Letters, Police Reports, Witness Statements, and other supporting documents). In reverse chronological order with the most recent offenses appearing first. |
| 32-33 | Attendance Report |
| 34-35 | Grades and Academic Information |
| 36 | Other supporting documents |

Summary of the major discipline incidents for Joe Smith

9/25/09

Joe was suspended for ten (10) days for being in possession of marijuana, having drug paraphernalia and being under the influence of marijuana. His suspension was reduced to five (5) days for attending drug counseling.

3/09 – 5/09

Joe was suspended from the bus for ten (10) days on two different occasions for gross disrespect, inappropriate language and unsafe behavior.

Approved: February 8, 2012

7:210 E5

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District 101
Batavia Public Schools

Always Learning. Always Growing.

7:210-E5a

April 15, 2009

Mr. and Mrs. John Smith
555 Main Street
Batavia, IL 60510

Re: Joe Smith, Grade 8 at Rotolo Middle School

Dear Mr. and Mrs. Smith:

On April 14, 2009, the Board of Education acted to expel Joe for two years. The expulsion is in effect from April 14, 2009 until April 14, 2011. While serving his expulsion, Joe is prohibited from attendance at any school district function or entering school district property.

Please note that in the State of Illinois, all school districts may adopt policies prohibiting expelled students from being admitted until the entire term of their expulsion has been completed.

You may contact my office at 630-937-8834 if you have any questions.

Sincerely,

Jack K. Barshinger
Superintendent

cc: Principals
District administrator in charge of expulsions



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District 101
Batavia Public Schools

Always Learning. Always Growing.

7:210-E5b

April 15, 2009

Mr. and Mrs. John Smith
555 Main Street
Batavia, IL 60510

Re: Joe Smith, Grade 8 at Rotolo Middle School

Dear Mr. and Mrs. Smith:

On April 14, 2009, the Board of Education acted to hold the recommendation for expulsion of Joe in abeyance pending his enrollment in the Kane County Safe Schools Program for the remainder of the 2008-09 school year and the duration of the 2009-10 school year.

In order for the expulsion to be held in abeyance, a contract will need to be signed that identifies several conditions that must be adhered to. Failure to comply with this agreement will result in Joe being dropped from the Safe Schools Program and the expulsion no longer held in abeyance. Please be prepared to sign the official copy of the contract at the Safe Schools intake meeting that will be scheduled.

While attending Safe Schools, as well as serving the duration of any expulsion, Joe is prohibited from attendance at any school district function or entering school district property. Please note that in the State of Illinois, all school districts may adopt policies prohibiting expelled students from being admitted until the entire term of their expulsion has been completed.

A staff member from Batavia Public Schools will be in contact with you to provide information regarding the Safe Schools program.

You may contact my office at 630-937-8834 if you have any questions.

Sincerely,

Jack K. Barshinger
Superintendent

cc: Principals
District administrator in charge of expulsions



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District 101
Batavia Public Schools

Always Learning. Always Growing.

7:210-E5c

April 15, 2009

Mr. and Mrs. John Smith
555 Main Street
Batavia, IL 60510

Re: Joe Smith, Grade 8 at Rotolo Middle School

Dear Mr. and Mrs. Smith:

On April 14, 2009, the Board of Education decided not to expel Joe from Batavia Public Schools. When Joe's current out-of-school suspension has been completed, he may return to school.

You may contact my office at 630-937-8834.

Sincerely,

Jack K. Barshinger
Superintendent

cc: Principals
District administrator in charge of expulsions