

\_\_\_\_\_  
(month, day, 201\_)

\_\_\_\_\_  
(Parents)  
\_\_\_\_\_  
(Address)  
\_\_\_\_\_

**RE: (Student) - Expulsion**

Dear (Parents):

On \_\_\_\_\_, 201\_, your child, (Student), was involved in an incident at the (District Name) school building as set out in the enclosed written report of the incident and the witness statements. Your child committed disorderly conduct, assaulted the Middle School/ High School Principal, committed criminal mischief and intentional damage to school property as well as other acts of insubordination. His conduct as described in the Incident Report was in violation of school policies prohibiting that conduct as well as state laws.

I am enclosing a copy of the written report which includes the facts of the situation, the action, the reasons for the action and my recommendation, which is expulsion for one year. This report will remain in the possession of the school board business manager and will be sealed and unavailable for review by individual school board members until the time set for a hearing.

I am recommending that your child be expelled for one school year for violation of the District policies as well as state law. He may re-enroll in the (Name) School District next fall on October 10, 2014.

(Parents), you have a right to request a hearing with the board of education on this matter. I have scheduled the hearing for October \_\_\_\_, 201\_\_, at \_\_:\_\_ \_\_.M. at the School building. You may, pursuant to the Administrative Rules of South Dakota waive the right to a hearing in writing to me if you so desire. If you do waive the hearing, the Board of Education will still consider the matter at its school board meeting on October \_\_\_\_, 201\_\_.

Student records are available at the school for examination by you or your representative and you and (Student) may present witnesses at the hearing and (Student) may be represented by an attorney.

The school board shall conduct a hearing in the following manner:

- (1) The school board shall appoint a school board member or a person who is not an employee of the school district as the hearing officer;
- (2) Each party may make an opening statement;
- (3) Each party may introduce evidence, present witnesses, and examine and cross-examine witnesses;

- (4) Each party may be represented by an attorney;
- (5) The school administration shall present its case first;
- (6) The hearing is closed to the public. A verbatim record of the hearing will be made and will be sealed pending court order.
- (7) Witnesses may be present only when testifying. All witnesses must take an oath or affirmation administered by the school board president or business manager;
- (8) Each party may raise objections; however, objections are limited to relevancy and scope of the question;
- (9) All relevant evidence must be admitted; however, unproductive or repetitious evidence may be limited by the hearing officer;
- (10) The hearing officer may ask questions of witnesses and may allow other school board members to interrogate witnesses;
- (11) Each party may make a closing statement;
- (12) After the hearing, the school board shall continue to meet in executive session for deliberation. No one other than the hearing officer may meet with the school board during deliberation. The school board may seek advice during deliberation from an attorney. Consultation with any other person during deliberation may occur only if a representative of the pupil is present; and
- (13) The decision of the school board must be based solely on the evidence presented at the hearing and must be formalized by a motion made in open meeting. The motion must omit the name of the pupil and must state the reason for the board's action. The school board shall notify the pupil or the pupil's parents in writing of the decision. The notice must state the length of the suspension or expulsion.

**5.24:07:03:06. RIGHT OF APPEAL.** The student may appeal an adverse decision by the school board to the circuit court.

If you have any further concerns or questions, with the matter, please contact me at the school at \_\_\_\_\_ or my cell at \_\_\_\_\_.

Very truly yours,

Superintendent