



Student Expulsions

Question:

A student was expelled from my school district. He is moving to a neighboring town to live with his grandparents. That school district will not allow him to attend school there. Can the new school district do this? Can the new district get the student's records from the prior district?

Answer:

Pursuant to Section 33-205, Idaho Code, a board of trustees may deny enrollment to any student “who has been expelled from another school district in this state or any other state.”

This is not an uncommon occurrence and many districts across the state have a blanket Board Policy that they do not admit students who have been expelled from any other district/school in the state. This has been seen both with regard to a blanket denial of any expelled student as well as something in a more detailed format – such as not admitting a student who was expelled for weapons, drugs, violence etc.

As to the specific questions:

1. Yes, the district the student is seeking to enroll in can obtain the student files from the old district. This is a standard process under Section 33-209, Idaho Code. “Whenever a student transfers from one (1) school to another, within the district, within the state, or elsewhere, and the sending school is requested to forward student records, the sending school shall respond by forwarding a certified copy of the transferred student record within ten (10) days, . . .”

In the summer months with personnel vacations, this can take more than a ten day period. Generally speaking, the districts work well and cooperatively together on transferring these student file materials and have even been working well together in transferring matters via other electronic formats rather than hard paper copies.

2. The issues at the new district are driven by the district’s policies and procedures in addition to the statute. Typically, a hearing is given to “appeal” the denial. However, some districts have delegated these issues to administrative personnel and/or have already made a blanket decree that they do not accept students who have been expelled for specific situation, or at all. It is going to all be dependant upon what the individual district has done.

contact us with your question:



Idaho School Boards Association

PO Box 9797

Boise, ID 83707-4797

phone (866) 799-4722

fax (208) 854-1480

web www.idsba.org

email info@idsba.org

Ask ISBA is a service of the Idaho School Boards Association. Questions may be published online at www.idsba.org or in ISBA's quarterly magazine, the SLATE.

DISCLAIMER: The Idaho School Board Association, as a service to its member school districts and school boards, provides general assistance or information regarding issues of administration related to school districts. However, the Idaho School Board Association and its employees and agents are not legal experts, and are not intending to provide legal advice or services. The Idaho School Board Association is not a law firm, and should not be considered to legally represent any of its member school districts, their trustees or employees. Any information, advice, recommendations, or other assistance provided by the Idaho School Board Association to its member school districts, including the member school districts and employees, should not be considered legal advice, etc. Each member district should retain legal counsel for the purpose of obtaining legal advice, information, recommendations, or other legal assistance, and should not rely on information or assistance provided by the Idaho School Board Association for any legal purpose. The Idaho School Board Association will not and cannot be held liable for any advice, recommendations, information, or other assistance provided to its member school districts, and such members should understand that such advice, etc. is provided for general and informational purposes only. By providing this advice, the Idaho School Board Association is not and does not create any special relationship with its members, other than for the purpose of providing general information, which should be verified with legal experts.