

November 11, 2021

Abby and Jake Lee
[REDACTED]

RE: Notice of Proposed Expulsion

Dear Mr. and Mrs. Lee,

The purpose of this letter is to notify you that the Administration of St. Croix Preparatory Academy (hereinafter "The Academy", "SCPA") proposes that [REDACTED] Lee be expelled from The Academy for the period of twelve (12) calendar months pursuant to the Minnesota Pupil Fair Dismissal Act (Minnesota Statutes sections 121A.40 to 121A.56). A copy of the Pupil Fair Dismissal Act is enclosed for your review.

The independent statutory grounds for the proposed expulsion are as follows:

1. Willful violation of reasonable School Board regulations;
3. Willful conduct that endangered the pupil or other pupils, or surrounding persons, including school employees, or property of the school.

The factual basis for the proposed expulsion is as follows: On October 28, 2021, [REDACTED] refused to follow The Academy's Board regulation and The Academy's Face Covering Policy requiring all students in grades K-8 to wear a face covering while in school. You were present for a meeting that occurred on October 28, 2021 at 10:15 a.m. You were notified of the suspension for the remainder of the day on October 28, 2021.

The following day, October 29, 2021, [REDACTED] again refused to comply with the Board regulation and Face Covering Policy requiring students to wear face coverings in school. You were again present for a meeting that occurred on October 29, 2021 at 9:45 a.m. You were notified of the suspension for the remainder of the day on October 29, 2021.

On November 3, 2021, [REDACTED] again refused to comply with the Board regulation and Face Covering Policy requiring students to wear face coverings in school. Mrs. Lee was present for the suspension and meeting on November 3, 2021. This was [REDACTED]'s third occurrence of refusing to follow the school rules. As such, [REDACTED] was suspended for school for three (3) days beginning Wednesday, November 3, 2021 and ending on Friday, November 5, 2021. You were notified of this suspension on November 3, 2021.

The Academy scheduled a re-entry meeting on November 9, 2021, to discuss bringing [REDACTED] back to school. However, you informed SCPA that [REDACTED] does not intend to follow school policies and rules at the end of his suspension period. This is [REDACTED]'s fourth occurrence of insubordination and

not following school rules. Therefore, you were notified that same day that [REDACTED] is being suspended out of school for five (5) days beginning on Tuesday, November 9, 2021 and ending on Tuesday, November 16, 2021. Mr. Lee was present for the suspension and a meeting was held regarding the suspension and possibility to move toward expulsion.

Pursuant to the 2020-2021 Family Handbook, disciplinary action, including expulsion from school and all school-sponsored events, may be taken against any student for gross disobedience or misconduct.

Having reviewed all the facts, the Administration has determined [REDACTED] repeatedly violated the Board regulation and Face Covering Policy requiring face coverings in school. His continuing refusal to comply after being notified and suspended also constitutes gross disobedience. The Administration has determined that it is appropriate to pursue expulsion in this matter. [REDACTED]'s conduct constituted a repeated, willful violation of reasonable School Board regulations, and willful conduct that endangered himself, others, and school property.

A manifestation determination was conducted on November 11, 2021. [REDACTED]'s IEP team determined that his conduct was not a manifestation of his disability. The Academy has provided and will continue to provide alternative educational services in the form of access to online learning.

A hearing on the proposed expulsion of [REDACTED] Lee is scheduled to be held before an Independent Hearing Officer James Martin on **Monday, November 15, 2021, beginning at 11:30 a.m.** Given your objections to [REDACTED] wearing a mask, **this hearing will be conducted remotely via Zoom video conference.** A link to the hearing video conference will be provided by email. As previously stated, the Administration is proposing that [REDACTED] be expelled for a period of twelve (12) calendar months.

The hearing on the proposed expulsion will be closed unless you request an open hearing. You have the right to be present at the hearing; the right to have a representative of [REDACTED]'s choosing, including legal counsel, at the hearing; the right to examine [REDACTED]'s records before the hearing; the right to present evidence at the hearing; the right to confront and cross-examine witnesses at the hearing; and the right to have the School Board make a decision based solely upon substantial evidence presented at the hearing. Free or low-cost legal assistance may be available to you. Enclosed please find a copy of the legal assistance resource list developed by the Minnesota Department of Education (MDE). A copy of the legal assistance resource list is also available from the MDE and can be accessed electronically at <http://education.state.mn.us>.

The hearing will be held as scheduled unless you waive, in writing, your right to a hearing. If you waive your right to a hearing, the Administration will take its recommendation directly to the School Board for official action. Thus, by signing the waiver you give up your right to a hearing,

you waive the right to contest the Administration's recommendation of expulsion, and you waive the right to appeal from the School Board's decision. A document titled "Waiver of Right to an Expulsion Hearing" is enclosed. If you decide to waive your right to a hearing, please sign the enclosed Waiver form and return it to me as soon as possible.

The following witnesses may be called to testify at the hearing on behalf of The Academy:

1. Joann Karetov, Lower School Principal
2. Jon Gutierrez, Executive Director
3. Peggy Rosell, Director of Student Support Services

These witnesses will testify about their knowledge of [REDACTED]'s conduct, which is described above, including his repeated refusal to wear a face covering in school. Principal Karetov will testify about [REDACTED]'s school records, including his disciplinary history. Principal Karetov will also testify about the suspension process that was followed in connection with [REDACTED]'s conduct and the manner in which The Academy provided notice of the proposed expulsion. In addition, Principal Karetov will testify about The Academy's policies and regulations, how those are disseminated and enforced, the violations that occurred in this case, and the consequences for those violations. Ms. Rosell will also testify about the results of the manifestation determination. Finally, as Executive Director of The Academy, I will provide the Administration's recommendation of expulsion.

The Academy reserves the right to amend its list of witnesses if it learns of additional persons who have information related to the proposed expulsion. The Academy also reserves the right to call additional witnesses for purposes of rebuttal. The Academy may conclude that it is unnecessary to call all of the witnesses listed above. If you want to ensure that a particular witness attends the hearing, including a witness listed above, you should request a subpoena for that witness. Please contact me if you would like The Academy to obtain a subpoena for the witnesses on your behalf. You are responsible for properly serving any subpoena that you request. Please contact me a reasonable time before the hearing at the number listed below if you would like assistance from The Academy in obtaining a subpoena for any witness.

After the independent hearing officer issues written findings, conclusions, and a recommendation, the School Board will meet to decide whether to accept the findings, conclusions, and recommendation. As an alternative educational service, [REDACTED] will continue to have access to online learning.

During the period of this suspension, [REDACTED] is prohibited from entering onto any Academy property except to attend his expulsion hearing. [REDACTED] is also prohibited from attending or participating in any school sponsored events or activities during the period of suspension, regardless of whether those events or activities are held on The Academy property. Any form of retaliation taken by

█ against any of the above witnesses or any individual involved in the investigation of his conduct will be considered a separate ground for disciplinary action.

If you have any questions regarding this matter, please contact me at █.

Respectfully,



Jon Gutierrez
Executive Director

Enclosures: Pupil Fair Dismissal Act (Minn. Stat. §§ 121A.40 to 121A.56)
Waiver of Right to an Expulsion Hearing
MDE Legal Assistance Resource List