

**PROCEDURES FOR STUDENT DISCIPLINARY HEARINGS**

1. Upon determination that a recommendation for a long-term (more than five (5) school days) suspension will be considered, the Superintendent of Schools will:
  - a. Schedule a disciplinary hearing within the initial five (5) day suspension period.
  - b. Notify the attorney for the Board of Education, who will schedule a Hearing Officer.
  - c. Direct a letter over his/her signature appointing the Hearing Officer.
  - d. Forward to the student's parents (or to the person in parental authority) and, if the student was eighteen (18) at the time of the incident, the student, written notice of the rules violated, the Board policy involved and procedures for disciplinary hearings, the intention to consider a long-term suspension, the place and time for the hearing, the student's right to legal counsel and the student's right to call witnesses in his or her own behalf and to cross-examine the District's witnesses.
  - e. Advise the student's parents that should the student be found guilty of the charges presented, the student's disciplinary record will be considered for the purposes of determining the penalty.
  - f. Provide, in advance of the hearing, to the student's parents the record to be reviewed under "e" above.
2. Where the hearing is not completed within the period of the five (5) school day suspension, the School Principal shall provide for suitable alternative instruction commencing with the sixth (6<sup>th</sup>) school day of suspension.
3. The disciplinary hearing will be held in private session.
4. A record of the hearing will be available from the school board's attorney, without cost for thirty (30) days after the hearing.
5. The school board's attorney will present the case for the District, with provision for cross-examination of the District's witnesses by the counsel representing the student or the student's parents.
6. After conclusion of the District's presentation, counsel for the student may present his/her case, with provision for cross-examination of any witnesses by the school board's attorney.
7. At the conclusion of all testimony, the attorney for the student, and then the school board's attorney, will be provided opportunity to summarize their respective positions. The Superintendent may then make a determination of guilt or innocence.

- 8.a. As set forth in "1.e." above, should the student be found guilty of the charges presented, the Superintendent will continue the hearing and receive the student's record in evidence and such testimony from the administration and from the student, as appropriate, for the purposes of determining the penalty. If the student is found innocent, the charges will be dismissed and the student reinstated and the penalty expunged from his/her record.
- 8.b. Hearing is adjourned.
9. Following the penalty phase, the Superintendent will determine an appropriate penalty.
10. The Superintendent's decision will be communicated by telephone the following day and the formal written decision will be prepared in ten (10) days and sent to the student's parents or the student, as appropriate, by the Superintendent, along with notification of the right to appeal to the Board of Education within thirty (30) days of receiving the Superintendent's written decision.
11. The appeal shall be in writing addressed to the Board of Education at the Central Office.
12. The Superintendent shall have ten (10) days to file a written response to the appeal.
13. Within thirty (30) days, a majority of the Board shall meet to review the transcript, exhibits and determine the appeal.
14. If the Board affirms the Superintendent's decision or modifies the penalty, the student shall be advised of his/her right to appeal to the Commissioner of Education within thirty (30) days of the Board decision.
15. If the Board reverses the decision of the Superintendent, the charges will be dismissed, the student reinstated and the penalty expunged from his/her record.

(Cross reference – Policies #2212.1, #5131)

Policy Adopted: September 22, 1975  
Amended: May 16, 1977  
Reviewed: November 256, 1985  
Amended: March 25, 1996  
Amended: April 24, 2000  
Amended: May 21, 2001  
Amended: May 24, 2004  
Amended: January 23, 2006  
Amended: December 17, 2008  
Amended: March 13, 2009