

Discipline

Student Discipline Hearings

A hearing before the Board of Education, whether on the recommendation of the Superintendent or upon the independent action of the Board, shall be heard by the full Board, or, at least, a quorum thereof. No student may be expelled until this matter is reviewed in a hearing before the Board of Education. A decision to expel a student requires the vote of a majority of those Board members present.

Students or students' parents/guardians may request a hearing before the Board to contest any suspension in excess of ten (10) school days. The request will be addressed to the Superintendent who will review all matters concerning the suspension and make a recommendation whether to refer the request for a Board hearing.

If a hearing before the Board of Education or its three designated members, in the case of an appeal from a suspension of more than 10 days, or if a hearing before the Board of Education, or a quorum thereof, is necessary or appropriate, the Board shall set a date, time and place for the hearing and shall give not less than ten (10) days written notice thereof to the parents/guardians or other persons having custodial care of the student involved, including with said notice a clear and concise statement of the charges against the student and a copy of the "Rules of Procedure in Hearings Before the Board of Education on Suspension and Expulsion Matters" as set forth below.

Parents/guardians or other persons having custodial care of the student involved may waive said ten (10) day notice and request an earlier hearing, in which case a hearing shall be afforded at the earliest practicable date. Such waiver shall be in writing.

At the hearing before the Board of Education the following rules of procedure shall be followed:

Rules of Procedure in Hearings Before the Board of Education on Suspension and Expulsion Matters

1. Promptly after a hearing has been set, the Superintendent shall transmit to the Board, in writing, a full report of the alleged facts relating to the charges, including copies of any reports, documents, affidavits, exhibits or other papers relating to the incident giving rise to the hearing of appeal. If an appeal from an order of the Superintendent is involved, the written action taken by the Superintendent and the reasons therefore, must be identified.

2. The parents or legal guardian of the student may be present at the hearing and at that time will have an opportunity to ask and respond to questions, and to make a statement of their feelings about the proper disposition of the case. Parents/guardians may advise the student during the hearing.
3. The parents/guardian may represent their child, may retain an attorney or bring another adult to act as a representative in the defense of the student. The representative will have the right to present witnesses, question any and all witnesses as herein provided, and make a statement and offer exhibits on the nature of the evidence and disposition of the case. If the parents/guardians elect to have the student represented by an attorney at the hearing, the parents/guardians shall notify the Superintendent or designee of such representation at least twenty-four hours prior to the scheduled time of the hearing.
4. Prior to the hearing, the parties, or their attorneys, may examine at the Board Office, the Superintendent's or designee's report, the discipline report and all related records transmitted to the Board, and, upon request, will be given copies of said reports and materials.
5. Upon the request of any party, the Superintendent or designee shall submit for review at the hearing the student's behavioral and academic record. If necessary, the information contained in such record may be explained and interpreted by a person trained in its use and interpretation. All parties shall be instructed to respect the confidentiality of all such records and information.
6. The student may file with the principal before the hearing statements of any witnesses who have information the student wishes considered at the hearing, including the student's own statement, if he or she chooses to make one. These statements shall set out with some particularity the information known to the persons making them.
7. The Board may have its attorney present at the hearing.
8. At the hearing, the Board may consider a student's record of past disciplinary actions, criminal court records, juvenile offense records, and any actions of the student which would be criminal offenses.
9. The parties may present evidence concerning the charges and make such showing by way of affidavits, exhibits, and witnesses as they may desire. Before testifying, witnesses shall be sworn to tell the truth, the whole truth and nothing but the truth.

10. The student may speak in his or her own defense and may be questioned on his or her testimony, but he or she may choose not to testify. The student shall not be threatened with punishment or later be punished for refusal to testify.
11. The President of the Board of Education, or the Chairman of the designated committee of the Board, shall have full charge of the hearing and shall have the authority to direct its proceedings and to control the conduct of all persons present in accordance herewith. Such authority shall include the limitation of questioning that is unproductive, lengthy, or irrelevant. The Board may invoke reasonable limitations on the number of witnesses.
12. The hearing shall not be open to the public. In addition, the Board may set reasonable limitations on the number of people present during the hearing.

The Board shall also have the right to exclude any person or persons if it shall determine that the hearing is being disrupted by any person.

Hearings may be attended only by members of the Board of Education, the Superintendent of Schools, designated District staff, the Board attorney, the principal, the student, the parents and their representatives. Witnesses may be present only when giving information at the hearing. With parental/guardian permission, the student may be excluded at times when the student's psychological or emotional problems are being discussed.

13. A record shall be made of any information presented at the hearing. Statements and other written matter presented shall be kept on file by the District.

Either party, at its own expense, and upon giving at least twenty-four hours written notice to the other party, may arrange for a stenographic record to be made of the proceedings and evidence at the hearings.
14. As soon as practicable after the hearing, the Board shall make its decision and transmit the same in writing to the parties and the Superintendent.

The Board or its committee shall decide by majority vote whether the student has engaged in the misconduct charged by District administrators and in a manner which endangers good order and discipline in the schools or which tends to impair the moral or good conduct of the pupils. The decision must be based solely on the evidence presented at the hearing and must include findings of fact on which the decision rests.

If no such conduct is found, the matter is terminated and no further action may be taken against the student.

When the student is found to have participated in such conduct, the decision may include an order to the Superintendent concerning what action, if any, should be taken with respect to the student. Such order may explain the reasons for the decision. The views of the minority of the Board should be noted if the minority members so request.

15. When more than one student is charged with violating the same rules and such students have acted in concert, and the facts are basically the same for all said students, a single hearing may be conducted for them if the Board of Education, or its designated committee, believes that:
 - (a) a single hearing will not result in confusion, and
 - (b) no student will have his or her interests prejudiced by such a hearing.

If, during the hearing, the Board, or its designated committee, finds that a student's interests will be prejudiced by a group hearing, it may order separate hearings for each student.

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