

## **BOARD HEARINGS/APPEAL PROCEDURES**

School Board hearings and appeal proceedings, to include student hearings, will be conducted according to the following:

- All witnesses, except the petitioners and the administration, will be sequestered from the hearing. A witness will be allowed to enter for the purpose of testifying and, upon conclusion of their testimony, shall immediately leave the hearing room.
- If requested by the petitioners or the School Board, the proceedings will be tape recorded. If the hearing is tape recorded, all parties and witnesses should identify themselves before speaking. Copies of the tape will be provided upon request, at the District cost. Stenographic services may be utilized at the expense of the requesting party.
- The petitioner, the administration and the School Board each have the right to be represented by counsel at the hearing.
- All testimony will be under oath.
- Ordinarily, the party seeking review will open the proceedings by presenting witnesses and documents. However, the Board may determine that a different order of presentation is appropriate.
- Both Parties will agree to the distribution of the written record of the hearing.
- Each party will be given the opportunity to cross examine each witness immediately following the direct testimony.
- Following the examination of a witness by both parties the School Board may question the witness.
- While each party may offer such evidence as it desires, the Board may exclude or limit irrelevant, immaterial or unduly repetitious evidence. Conformity to rules of evidence is not necessary.
- Witnesses will appear in person unless extenuating circumstances prevent them from doing so. The School Board may receive or consider the evidence of witnesses by sworn statement, but shall give the sworn statements only such weight as they deem entitled to after consideration of any objection made to their admission. Exhibits, when offered by either party, may be received in evidence by the School Board.

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- Rebuttal, limited to previously submitted evidence, may be presented by either party.
- After all the evidence is submitted, both parties will have an opportunity to present a brief summary statement to the Board.
- Following the summary statements, the Board will close the hearing and meet in executive session to make its decision. Only those members having heard the evidence and testimony shall participate in the decision. The decision will be based solely upon the evidence presented at the hearing except for such facts which administrative tribunals are customarily entitled to take judicial notice. The Board's legal counsel may be present during deliberations in executive session, but will not participate in the decision of the Board.
- The Board will forward a written decision to the petitioning party within 15 days following the conclusion of the hearing. The decision will include pertinent facts upon which the Board based its decision and will advise the petitioner of their right to appeal. The Board's letter will be sent by certified mail.

**Adopted: January 5, 1976**

**Revised: 6/11/85, 4/12/94, 4/22/97**

**Reviewed: October 16, 2012**