

DISCIPLINARY HEARINGS BEFORE THE SCHOOL BOARD REGULATION

REGULATION – Student Hearings before the School Board

- **RULES AND PROCEDURES**

- All hearings afforded to students shall be held in private unless requested by the student to be in public session.
- No stenographic services or transcripts of the hearing will be provided. However, the student may request that the proceedings be tape recorded, and the School Board will provide for the same. Stenographic services may be utilized at the expense of the requesting party.
- Both parties may be represented by counsel at the hearing.
- All witnesses, except the parties principal to the action, will be sequestered from hearings held in executive session, will be allowed to enter the non-public session only for the purpose of testifying, and upon conclusion of the testimony will immediately leave the hearing room. All testimony will be under oath or affirmation.
- The school administration or its representative will open the proceedings through the production of witnesses and documents.
- Each party will be given the opportunity to examine each witness immediately following the direct testimony.
- After each party has had an opportunity to examine a witness, members of the School Board may question the witness.
- Each party may offer such evidence as it desires but irrelevant, immaterial, or unduly repetitious evidence will be excluded. Each party will produce such additional evidence as the School Board may deem so necessary to reach an understanding and determination of the issues. The School Board will determine the relevance and materiality of the evidence offered and strict conformity to legal rules of evidence will not be necessary.

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- The School Board may receive and consider the evidence of witnesses by sworn statement, but will give it only such weight as they deem it entitled to after consideration of any objections made to its admission. Witnesses should appear in person unless extenuating circumstances prevent them from such appearance. Exhibits, when offered by either party may be received in evidence by the School Board.
 - After the administration has presented its case, the student may then present his or her case and produce his or her witnesses for examination.
 - Rebuttal evidence may be presented by either party, limited to evidence previously submitted by the other party.
 - After all the evidence is submitted to the School Board, the student or his or her counsel will be given an opportunity to make a short summary of their case to the School Board. The administration will then be afforded an opportunity to present a short summary of its case to the School Board.
 - The school administration or its representative will have the burden of proving its case by a preponderance of the evidence.
 - The School Board will then close the hearing and meet in non-public session to deliberate and determine its course of action based solely on the evidence presented at the hearing. The School Board's legal counsel may be present during this deliberating session, but may not vote on the course of action to be taken.
 - The School Board will forward its decision, in writing, to the student not later than fifteen (15) days after the close of the hearing. This letter will be forwarded to the student by certified mail, return receipt requested, and will list the pertinent facts on which the School Board based its decision. The Board's letter will also advise the student of his or her right to appeal the decision.
- **APPEAL FROM DECISION OF THE SCHOOL BOARD**
 - A student aggrieved by a decision of the School Board may file an appeal with the State Board of Education for review.

Adopted: Unknown
Reviewed: October 16, 2012