

HEARING—FORMAT AND FUNCTION OF HEARING OFFICER

I. FUNCTION OF HEARING OFFICER

- A. Upon receipt of the request for a hearing, the superintendent shall appoint a hearing officer who shall select a time, date and place for the hearing.
- B. The hearing shall be held within three (3) school days following the date the request for hearing is received. The date, time and place shall be communicated immediately by the hearing officer to the person making the request, to the pupil and his/her parents, to the administrator and to the superintendent.
 - 1. The hearing officer shall confirm the time, date and place of hearing in writing to the student, his parent(s)/guardian(s) by telephone or by personal delivery of such written notice to them.
 - 2. The hearing officer shall immediately notify the appropriate school authorities of the date, time and place set for the hearing.
- C. Unless otherwise specified by the hearing officer, the hearing shall be held at the school which the student is attending.
- D. The pupil shall have the opportunity to be represented by counsel.
- E. The hearing officer has the authority to consider each case in regard to two questions:
 - 1. Were the infractions as charged by school authorities committed?
 - 2. Is the recommended sanction appropriate?
- F. Inspection of documentary and other physical evidence
 - 1. In advance of the hearing, the school authorities and the student/student's parents/guardians shall have the right to inspect any documentary or other physical evidence which the other party intends to introduce at the hearing.

G. Testimony—Evidence

1. The hearings shall be on an informal basis except that the hearing officer should remind parties that they should be truthful and accurate in all respects.
2. The rules of evidence in cases of common law shall not be applicable.
3. The hearing officer shall make all rulings as to whether evidence, oral or written, is admissible and may consult with the parties before making such rulings.
4. The relevancy and materiality of any evidence and the weight to be given to it shall be determined solely by the hearing officer.
5. If challenges are made to reception of evidence, the hearing officer shall make any and all rulings concerning whether or not he / she will listen to the evidence which is being challenged.
6. The hearing officer may set such limits of time upon the presentation of evidence, or upon arguments to the hearing officer, or upon any other aspect of the hearing as is appropriate under the circumstances.

II. HEARING FORMAT

- A. The school authority shall typically proceed first by presenting to the hearing officer a specification of the reason(s) why suspension or expulsion from school has been recommended. The school authority shall call such witnesses and present such documentary or other evidence as shall be necessary to fully apprise the hearing officer of all the reasons in support of the school authority's recommendation.
- B. All witnesses called by the school authority shall be subject to cross examination by the student or his / her parents / guardians or their counsel, subject to such limitations as the hearing officer may impose. Such cross examination shall immediately follow any direct testimony given by the witness. The fact that testimony is written and is thus not subject to cross examination shall not be a bar to its reception.

- C. Following the reception of the evidence presented by the school authority, the student, his/her parents/guardians, or their designated representative may present to the hearing officer any witnesses and documentary or other evidence in opposition to the school authority's recommendation. Should there be oral testimony, the school authority shall have the opportunity for cross examination, subject to such limitations as the hearing officer may impose. The student, his/her parents/guardians, or their designated representative shall also have the right to present written testimony and the fact that it is written testimony and the fact that it is written and not subject to cross examination shall not be bar to its reception by the hearing officer.
- D. Following the close of the evidence presented by the school authority, the student or his/her parents/guardians or their counsel, the school authority may offer evidence in rebuttal subject to the procedures set forth above.
- E. The hearing officer should, if he/she chooses, allow the school authority and the student, his/her parents/guardians or their designated representative a certain specified period of time within which to summarize the evidence presented by each of them and to argue as to whether or not the school authority's recommendation should be carried out. The length of time for any argument shall be the same for each side.
- F. For good cause, hearings may be continued for a reasonable time by the hearing officer. However, a hearing shall not be continued without the student's consent. Notice of any delays or changes is to be transmitted to the school authority and to the student, his/her parents/guardians or their designated representative forthwith either by service of a notice by personal delivery or by certified mail, return receipt requested. If a hearing is continued during its course, no further notice need be given other than an announcement of the date of the hearing continuation.
- G. Either a tape recorded or a verbatim record of the hearing shall be made at the option of the district.

- H. The hearing officer shall, at the conclusion of the hearing, arrive at a decision. The decision shall be based solely on the evidence presented at the hearing. The decision shall set forth the findings of fact, conclusions,

and nature and duration of the penalty to be imposed. (In the case of a hearing on an emergency expulsion, a decision as to whether to continue the expulsion shall be made within one (1) school business day of the hearing's conclusion.) The district will send the decision by certified mail to the student's legal counsel, if one, otherwise to the student and his/her parents/ guardians.