P5115 SUSPENSION/EXPULSION HEARING DECORUM

BOARD POLICY:

It is the responsibility of all hearing officers appointed by the administration or the Board of Education to maintain order and ensure the protection of all the rights afforded the administration, the student and/or their family in all suspension and/or expulsion hearings conducted within the district.

Administrative Implemental Procedures:

1. Authority of the Hearing Officer may include but not be limited to the following:
   a. The authority to administer oaths for the purpose of taking testimony
   b. The authority to call and examine witnesses as deemed appropriate by the hearing officer(s)
   c. The authority to receive documentary and other appropriate evidence
   d. The authority to issue subpoenas for the family and the district. The hearing officer(s) may refuse to seek subpoenas for the district but cannot refuse to do so for the family unless the witnesses the family is requesting to be subpoenaed are clearly not relevant.
   e. The authority to take any other action necessary to make the hearing accord with statutory due process requirements.

2. The hearing shall be conducted by the hearing officer, subject to the following:
   a. The student's right to confidentiality shall be protected. Since it is the hearing officer(s) responsibility to limit the number who may be present during the hearing, the hearing officer(s) will determine who may be present. In most hearings, that will be limited to the following:
      The Hearing Officer
      Two representatives for the administration
      Two of the student's legal guardian(s)
      Two advocates for the family
   b. Sequester witnesses at the request of either party
   c. Determine what evidence should be admitted. Evidence should be relevant.
   d. As part of the hearing notification letter(s), the District shall ask parent/guardian(s) to respond if the District needs to provide a translator for the hearing.

3. The family should be notified of how the hearing will be conducted. Hearings for the district should be conducted in accordance with the following:
   a. The hearing will begin no later than fifteen minutes after the scheduling beginning time. It is important for the administration and the student and/or parents to be present at the time the hearing is scheduled to begin. Failure to appear on time by either party will be considered to be a waiver of a right to a hearing and either party's failure to appear on time may result in a dismissal of the student's/parent's appeal or forfeiture by the administration to present testimony and evidence.
   b. Opening remarks which include a review of the parents rights if requested by the parents.
   c. Review of the hearing process which includes a discussion of the stages of the hearing:
      1) Stage one: Testimony on the incident or incidents that caused the administration to bring the student to a hearing
      2) Stage two: A review of the student's academic, behavioral and attendance record for the school year in which they are suspended/expelled

3) Stage three: Closing remarks and/or recommendation
4) Summary of what will occur following the hearing
5) Review of the Appeal process

d. In addition, the hearing format shall include the opportunity for the following:
1) Opening statement by the Administration's representative (may be waived)
2) Opening statement by the student or student's representative (may be waived)
3) Presenting of Administration's witnesses; affording the student or student's representative the opportunity to cross examine each of the witnesses
4) Presenting of the student's witnesses, affording the Administration's representative the opportunity to cross examine each of the witnesses
5) Opportunity for presenting of rebuttal witnesses
6) Closing argument by the Administration's representative (may be waived)
7) Closing argument by the student or student's representative (may be waived)

4. The family should be notified of what they should do to prepare for a hearing. The following should be provided in writing to the family prior to the hearing:
a. The family may bring witness(es) they feel would be beneficial in helping provide testimony that would benefit their case.
b. The family may bring documents that they believe would be helpful to their case.
c. Should the family wish to have a staff member as a witness, they should discuss this with administration and determine if the staff member will come of their own free will. If not, then the family should request a subpoena at least three days prior to the date of the hearing.

d. The family may contact the hearing officer or the hearing officer's supervisor, should they have any questions about the hearing process.

The Board attorney has approved this policy in form and content.

Administrative Responsibility: Student Support Services – Hearing Office
Latest Revision Date: January 2008
New Policy: June 2004 P5115

Updated administratively for alignment purposes: December 2020