



Capital School District

Board of Education Policy

Section: Board Governance
Title: Regulations for the Conduct of Public Hearings
Policy #: 100-16
Date Approved: 7/13/05
Date Revised:

Purpose:

To provide the public with information regarding hearings before the Board of Education.

REGULATIONS FOR THE CONDUCT OF HEARINGS OF THE PUBLIC BEFORE THE BOARD OF EDUCATION.

A. INITIATION OF APPEAL PROCEDURE

1. Whenever a right of appeal of any decision to the Board of Education is provided, an aggrieved person shall begin the appeal procedure by service Notice of the Appeal in writing, setting forth the grounds for appeal, to the Superintendent of the Capital School District.
2. Said Appeal shall be served within thirty (30) days after notice to the person(s) of the decision which he is appealing.

B. PROCEDURE ON APPEAL

1. The Superintendent shall docket any appeal received for hearing before the Board at a regular meeting of said Board, which shall be no earlier than twenty (20) days after the receipt of the Appeal.
2. The Superintendent shall notify the parties of the hearing date and that written statements of position and/or briefs must be filed with the Board at least ten (10) days prior to the hearing date. Failure to file statements by the time specified will result in postponement of the hearing until the next regular meeting of the Board.
 - a. The statement of position must clearly state the issues to be raised before the Board, any issue not raised therein will be considered only at the discretion of the Board.
 - b. The statement of position shall be accompanied by affidavits supporting any facts alleged therein.
 - c. Briefs or legal memoranda may be submitted with the statement of position if the grievance concerns a legal issue or interpretation.

C. HEARING PROCEDURE

1. The President of the Board of Education, or his/her designated representative, shall be the hearing officer.
2. The hearing officer shall conduct the hearing and make rulings on the admissibility of evidence, or legal counsel may be retained to assist the hearing officer in determining the admissibility of said evidence.
3. All parties to the appeal may be represented by counsel.
4. The Secretary of the Board of Education shall note in the minutes of the Board meeting, the name of the parties appearing and their counsel, if they are represented.
5. The Board may continue, adjourn, or postpone a hearing for good cause on motion of a party or upon its own motion.
6. Any party may request the presence of a stenographic reporter on notice to the Superintendent at least seven (7) days prior to the hearing date. Such party shall be liable for the costs of said reporter.
7. In the absence of any request for a stenographic reporter, the Board may cause an electronic transcript of the hearing to be made by tape recorder or other suitable device. Said electronic transcript shall be destroyed if no request is made to preserve it within three (3) months of said hearing.
8. Method of Proceeding:
 - a. The parties to the appeal may rest upon their statement, affidavits, and briefs.
 - b. The parties may elect to personally present before the Board the issues raised in their statements by notice to the Superintendent in writing at least five (5) days prior to the hearing date.
 - c. The parties may elect to supplement their statements, affidavits and briefs by the testimony of witnesses, but such election shall be in writing, specifying the names of witnesses to be called and the approximate amount of time necessary for said testimony, and shall be served upon the Superintendent at least three (3) days prior to the hearing date.
9. All testimony received must be taken under oath.
10. All evidence is admissible which is relevant, material, reliable and probative but which is not unduly repetitious or cumulative.
11. Objections to the admission of evidence shall be brief and shall state the grounds for such objections.

12. Any person who testifies as a witness shall be subject to cross-examination by the parties, in an order determined by the hearing officer, or legal counsel obtained to advise the hearing officer.
13. Any witness is subject to examination by members of the Board.
14. Any documents to be introduced into evidence shall be marked by the Secretary of the Board and shall be made part of the record of the hearing.
15. The order of presentation, where a hearing is requested, shall be as follows:
 - a. Appellant may offer a statement and/or testimony in his/her behalf.
 - b. The appellee may offer a rebuttal argument and/or testimony in support of the decision.
 - c. The appellant may then have an opportunity for rebuttal.
16. The Board, after considering the evidence presented and the arguments made by the parties to any appeal, shall reach a decision and so inform the parties in writing of that decision.

D. These policies are not valid for hearings whose procedural mechanisms are outlined elsewhere – by Capital School District policy, by State law, or by State Board of Education rules and regulations, i.e., for termination of teachers.