

I. DUE PROCESS HEARINGS

A hearing by a disciplinary panel or tribunal will determine what, if any, disciplinary action will be taken when a suspension or expulsion of longer than ten school days is recommended, or when a hearing is otherwise required by O.C.G.A. § 20-2-753 or applicable law.

Hearings, notices, and extensions will comply with O.C.G.A § 20-2-754 and other applicable law.

A student's withdrawal from the School District after an alleged disciplinary violation will not divest the School District of authority where the School District had jurisdiction at the time of the alleged violation. The School District may proceed with the tribunal hearing despite the withdrawal or address the pending matter through appropriate procedures if the student seeks to enroll or re-enroll, to the extent permitted by law.

Disciplinary matters involving students with disabilities will be administered consistent with applicable law.

II. SELECTION OF DUE PROCESS HEARING PANEL MEMBERS

The Superintendent of Schools will recommend to the School Board for approval active and/or retired personnel to serve as a hearing panel or tribunal to conduct due process hearings in accordance with state and federal law and impose disciplinary consequences, if necessary including suspension or expulsion for violations of the School District Code of Conduct.

III. COMPOSITION AND CHARGE OF THE DUE PROCESS HEARING PANEL

At least three members will be selected to serve on the tribunal panel to hear the facts surrounding disciplinary cases and to provide due process through an evidentiary hearing. The tribunal panel's decision will be in writing based solely on the evidence received at the hearing and provided to the parties within the time required by law. A verbatim electronic or written record of the hearing will be made and made available to the parties as required by law. The Superintendent will arrange and provide annual training to the members of the tribunal panel as required by law.

IV. RIGHTS OF STUDENTS

In due process hearings, students have the right to present and respond to evidence and to be represented at their own cost by legal counsel, or be assisted by the parent(s) or legal guardian as required by law.

Additionally, students have the right to testify on their own behalf or to remain silent. If they remain silent, the panel will draw no adverse inference of a violation of school rules based on the student remaining silent.

Students have the right to present witnesses and to examine and cross-examine witnesses as required by law.

Students and/or their parents/guardians may obtain copies of documents relating to the disciplinary proceeding as required by applicable student-record laws and School District procedures.

V. RIGHTS OF APPEAL

Decisions made by the panel may be appealed to the School Board. The request for appeal must be in writing to the Superintendent within 20 days of the date the tribunal renders its decision. The School Board will review the record and issue a written decision as required by law. Any decision of the School Board may be appealed to the State Board of Education in accordance with O.C.G.A. § 20-2-1160 and applicable State Board rules.

The Superintendent will develop and recommend annually to the School Board a “Student/Parent Handbook” and “Student Code of Conduct” that will contain, among other things deemed necessary by the Superintendent, due process hearing procedures.

In the event of a conflict between this Policy and applicable law, applicable law will prevail. This Policy will be administered consistent with applicable federal and state law and does not create procedural rights beyond those required by applicable law.

ADOPTED: August 2, 2001

REVISED: ~~July 16, 2020~~, July 23, 2026

Cherokee County Board of Education