

I. DUE PROCESS HEARINGS

A hearing by a disciplinary panel will determine what, if any, disciplinary action shall be taken in instances when schools have recommended long term suspension or expulsion. Any student suspended for more than 10 days will be afforded the opportunity for a hearing.

II. SELECTION OF DUE PROCESS HEARING PANEL MEMBERS

The Superintendent will have the authority to designate 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 punishment, 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

Three members will be selected to serve on a panel to hear the facts surrounding disciplinary cases and to provide due process with an evidentiary hearing. The panel's decision will be in writing and based solely on the evidence received at the hearing.

IV. RIGHTS OF STUDENTS

In due process hearings, students have the right to be represented at their own cost by legal counsel or be assisted by the parent(s) or legal guardian.

Additionally, they have the right to testify in their own behalf or to remain silent. If they remain silent, then the panel will imply no inference of violation of school rules.

Students are entitled to subpoena witnesses in their own behalf and to cross-examine witnesses brought by the School District.

Students may obtain copies of any documents introduced at the hearing.

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 of the decision. Any Tribunal decision may be upheld, modified or suspended at the Superintendent's discretion pending the outcome of the appeal.

The Superintendent will develop and recommend annually to the School Board a "Parent/Student 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 current law, current law shall prevail.

ADOPTED: August 2, 2001
REVISED: August 11, 2016

Cherokee County Board of Education