

BOARD PROCEDURE

Descriptive Code: JDE

EXPULSION (HEARING PROCEDURE):

Date: January 20, 2009

Hearing Procedure:

- a. Statement of the purpose of the hearing, procedures to be followed and rights of all parties relating to appeals and due process. (By Hearing Officer.)
- b. Identification of parties and witness. (By Hearing Officer)
- c. Swearing **in of** all parties and witnesses and sequestration of witnesses if requested by principal or student. (By Hearing Officer.)

Hearing the Case:

- a. Concise statement of case and recommendation of the local school by the **school administration**. The **school administration** may present facts, witnesses and other evidence with right to cross-examination by student, or his representative, and questions from the Hearing Officer.
- b. Presentation by student. The student, or his parent or attorney, presents facts, witnesses and other evidence with right of cross-examination by **school administration** and question from the Hearing Officer.
- c. Rebuttal by **school administration**.
- d. Rebuttal by student.
- e. Summary by **school administration**.
- f. Summary by student.

Appeal Procedure to the Local Board of Education:

- a. All parties having decision involving a long-term suspension or an expulsion rendered by the Hearing Officer for which they are not in agreement shall have the right to appeal the decision to the Columbia County Board of Education.
- b. Said appeal shall be made to the Columbia County Board of Education **within 20 days from the date the decision is rendered by filing a written notice of appeal with the Superintendent**. The party appealing shall state in writing the basis for the appeal, along with justifying documents, if any.

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- c. The party bringing the appeal shall bear the expense of preparing the transcript for the appeal.
- d. **In closed session**, the Columbia County Board of Education shall **review the hearing record and any other documents provided by way of the written appeal. Additionally, all parties shall have the right to legal counsel at any such appeal and will be provided not more than five minutes to speak to the Board.**
- e. **Following review of the hearing record, related documents, and presentations, the Board may take any action it determines appropriate. Said decision shall be based solely on the record and shall be given to all parties within ten days, excluding weekends and public and legal holidays, from the date the Board receives the notice of appeal. Any decision rendered by the Board shall be final.**

Roles:

- a. The Hearing Officer shall sit as a quasi-judicial body.
- b. The Hearing Officer shall conduct the hearing, maintain order, insure a proper record, and issue any ruling during the hearing and final decision after the hearing.
- c. The Hearing Officer shall ask any question of a relative nature, weigh all facts, and render the ultimate decision.
- d. The Hearing Officer shall advise on legal questions during the hearing.
- e. The **school administration** shall present facts and recommendation of the local school.
- f. The **school administration** shall present evidence against the student and shall serve as prosecutor and cross-examiner.
- g. The student or his representative, attorney, or parent shall present evidence in his defense and shall serve as cross-examiner in his behalf.

When long-term suspension or expulsion is recommended, the school administration shall:

- (a) Notify the parent or guardian by telephone advising of the violation and pending action. A conference shall be scheduled, if desired by the parent.

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- (b) Notify the parent in writing of the suspension, stating the reason(s) and the pending hearing before the Hearing Officer and that the Hearing will be held no longer than ten (10) school days after the beginning of the student's suspension unless the school system and parent(s)/guardian(s) agree to an extension.
- (c) Refer the case to the Hearing Officer by faxing the appropriate Hearing Referral form.
- (d) **Provide** any teacher called as a witness by the school system at least three (3) days prior to the Hearing.
- (e) A copy of the school's complete hearing presentation packet should be sent to the Hearing Officer at least 24 hours prior to the scheduled Hearing date.

A copy of the letter to parents should be forwarded to the Superintendent of Schools.

ADOPTED: 1/12/88

REVISED: 3/30/98, 8/7/00, 7/27/04

Columbia County Board of Education