

STUDENT DISCIPLINE HEARING PROCEDURES

ADMINISTRATIVE HEARINGS

The rules set out below will govern hearings held by the superintendent in assessing misbehavior and appropriate consequences. The purpose of the hearing will be to determine the facts relevant to the alleged behavior and the credibility of witnesses, based on the evidence presented at the hearing

1. The hearing will be informal and conducted in private.
2. Prior to the hearing, the student and his or her parents and representative will have an opportunity to review any audio or video recordings of the incident and, consistent with federal and state student records laws and regulations, the information that may be presented as evidence against the student, including statements made by witnesses whose names are withheld in accordance with number 5 below.
3. The hearing must be attended by the superintendent, the principal and assistant administrators and any persons the superintendent necessary. The student has the right to be present at the hearing, to be accompanied by his or her parents and to be represented by an attorney or non-attorney advocate. Witnesses should be present only when providing information.
4. The school representatives have the burden of proving the misbehavior, the violation of board policy or school standards or rules and the appropriateness of the recommended consequence for the violation.
5. The school representatives will present first the witnesses and documentary evidence against the student. School officials may withhold witness names or other identifying information if identification of a witness could threaten the witness's safety.
6. After the school representatives have presented their evidence, the student or his or her representative may present evidence relating to the alleged disciplinary infraction, the student's intent at the time of the incident, any mitigating or aggravating factors involved, the disciplinary and academic history of the student and the potential benefits to the student of alternatives to suspension. Such evidence may include oral testimony by the student or witnesses, written statements and other documents. and witnesses. Witnesses should be present only when providing information.
7. Both the school representative and the student or his or her parent or representative may examine the witnesses presented by the other side. The superintendent has the authority to limit questioning by any person, if the

questioning is unproductive, unnecessarily lengthy, repetitive or irrelevant.

8. In reaching a determination in the matter, the superintendent shall consider the documents produced in the hearing, the testimony of any witnesses and other evidence presented at the hearing. If the superintendent determines that a violation occurred, the superintendent also shall determine the appropriateness of the recommended consequences for the violation. Formal rules of evidence do not apply and the superintendent may rely on evidence that a reasonably prudent person would consider in the conduct of serious affairs.
9. Following the hearing, the superintendent shall render a written decision based on substantial evidence presented at the hearing and shall notify the student and parent of that decision in accordance with the requirements of policy 4353 Long-Term Suspension, 365-Day Suspension, Expulsion.
10. The superintendent or designee will provide for making a record of the hearing, including any findings or conclusions made by the superintendent. The student will have the right to make his or her own audio recording of the hearing.

BOARD HEARINGS

Appeal of Superintendent's Decision

The board will review any records created on the superintendent's decision and the record created from any administrative hearing held. The superintendent's decision will be reviewed pursuant to board policy 4361, Appeals of Long-Term Suspensions.

The board will provide the opportunity for a hearing which follows the rules established for administrative hearings, except the superintendent or designee will represent the school district and the board or a panel of the board is the decision maker. If a hearing has been held at the administrative level, the hearing rules may be modified at the board's discretion to limit presentations of testimony to the student, student's parent and representative and the school district's representative. The student and the superintendent may be represented by legal counsel. The board also may limit documentation to the records and evidence presented at the administrative hearing, unless there is a substantial threat of unfairness.

Board Decision on 365 Days Suspension or Expulsion

The board will provide an opportunity for a hearing to review the superintendent's recommendation for 365 days suspension or expulsion. The rules established for the administrative hearing will be followed except the superintendent or designee will represent the school district and the board will be the decision maker. The student and superintendent may be represented by legal counsel. The board may request additional records or witnesses. A decision will be made on the superintendent's recommendation following the standards established in board policy 4353, Long-Term Suspension, 365 Days Suspension, Expulsion.

Legal References: G.S. 115C-45, -47, -276, -288, -391

Cross References: Long-Term Suspension, 365 Days Suspension, Expulsion (policy 4353), Appeals of Long-Term Suspensions (policy 4361)

Adopted: 7/16/01

Revised: 10/6/08; 09/13/11