

3-03-105. Due Process Hearing.

- A. A student must be given an opportunity for a hearing if the students' parents indicate a desire for one. A hearing shall be held to allow the student or parent to contest the fact which may lead to disciplinary action, or to contest the appropriateness of the sanction imposed by a disciplinary authority, or if the student or parents allege prejudice or unfairness on the part of the school district authority.
 - 1. The notice of demand for a hearing shall be in writing and shall be signed by the students' parents. This notice shall specify the grounds for the hearing.
 - 2. The notice shall be filed with the school principal within ten school days of the disciplinary action.

- B. The hearing authority in each case shall be designated by the superintendent.

- C. The hearing authority may request the student or parents to attempt conciliation first, but if they decline this request the hearing shall be held within ten school days of the receipt of notice.

- D. The following procedural guidelines shall govern the hearings:
 - 1. Written notice of charges against a student must be supplied to the student prior to the hearing date.
 - 2. The student's parent shall be present at the hearing.
 - 3. The student's parent may be represented by legal counsel.
 - 4. The student shall be given an opportunity to give his or her version of the facts and their implications. He or she should be allowed to offer the testimony of other witnesses and other evidence.
 - 5. The student shall be allowed to observe all evidence offered against him or her. In addition, he or she may be allowed to question any witness.
 - 6. The hearing authority shall make his or her determination solely upon the evidence presented at the hearing.
 - 7. A written finding by the hearing authority shall be filed with the superintendent within five school days after the hearing, and this finding shall be available to the student and the students' parents.
 - 8. The student and his or her parents shall be made aware of their right to appeal the decision of the hearing authority to the school board.

Adopted:

Revised: May 16, 2000