

STUDENT DUE PROCESS RIGHTS

In disciplinary situations, students shall have the opportunity to present their version of the facts and circumstances, and students shall not be suspended unless their rights to due process have been observed. Building Principals may suspend a student for a period of up to five days. In cases of this type, the principal conducts an informal hearing with the student and other individuals who may have information concerning the situation. When a suspension is imposed, the student and parent(s) are notified, and a written record of the case is made.

If a suspension of more than five days is being considered, the Superintendent will schedule a hearing. The student and his/her parents will be notified of the time and place of the hearing. At the hearing, conducted by the Superintendent of Schools or his/her designee, the student will have the following rights: to examine evidence and question witnesses; to present evidence and witnesses; and to be represented by counsel. A record of the hearing is made by stenographic transcript or by tape recording. The Superintendent will make a decision regarding suspension based on the information presented at the hearing. An appeal of the Superintendent's decision can be made by the student to the Board of Education.

Generally, school personnel shall identify problems and pursue appropriate, reasonable measures to affect student behavior. Parents, students and school personnel must work together to ensure the maintenance of the proper atmosphere for learning. Our objective is to provide all students an equal opportunity to grow intelligently, ethically, socially, emotionally and physically.

The options are designed to be fundamentally fair without imposing unreasonable burdens upon school authorities or students. General requirements in all instances include:

1. oral or written notice of nature of the rules, violation of which will result in disciplinary action;
2. an opportunity for the accused student to "tell his side of the story" to the person whose responsibility it is to assign discipline; and
3. explanation of the evidence of violation upon which action is being taken, should the student deny the infraction has occurred.

When a student is referred to an administrator/designee for appropriate action, the administrator investigates the incident by meeting with the student and/or staff member, and additional students/staff as deemed necessary.

Parental involvement ranges from written notification of the offense and disciplinary reaction to parent conferences with staff, student, and, if need be, outside agencies/authorities.

A proper and accurate record of the offense and response is maintained for all incidents.

Cross-ref: 5311, Student Rights and Responsibilities
5311.3, Student Complaints and Grievances
5313.3, Student Suspension