

# Dayton School District 8

Code: **JGE-AR**  
Adopted: 1992  
Revised/Readopted: 8/11/15  
Orig. Code(s): JGG

## **Student Hearing Procedures**

The district superintendent has been designated by the Board to act as the district hearings officer and shall maintain control over and conduct the hearings. The hearings officer is granted the authority to expell but must grant a hearing which may be waived by failing to appear at the place and time set for the hearing in the notice or by notifying the school in writing.

### **Procedures**

1. The student must be notified of specific charges, usually through the office referral form.
2. The student must have the opportunity to present his views of the alleged misconduct.

### **Preliminary Actions Prior to the Hearing:**

1. A check into the attempts to distribute rules over the entire year for late student registrations.
2. The principal has clear documentation of a violation of the student code of conduct, of alternatives used to overcome such problems, and of the specific acts that led to the request for expulsion.
3. Areas such as: conferences, counseling, schedule changes, alternative instructional programs and other forms of help have been explored.

### **Hearing Procedures**

#### **Step 1 Notification**

A notice shall be sent to the parent(s) or guardian(s) and the student by personal service or certified mail citing the charge and the specific acts that support the charge. The notice shall state the specific charge or charges, the conduct constituting the alleged violation including the nature of the evidence of the violation, a recommendation for expulsion, when and where the hearing will take place and the student's right to counsel. The notice shall be furnished at least 5 days and not more than 10 days prior to the hearing unless otherwise requested by the parent(s) or guardian(s).

## Step 2 The Hearing

1. A hearing on expulsion is conducted in a closed meeting.
2. The hearings officer provides all parties with the procedures in advance.
3. The student is permitted to have a representative present at the hearing to represent him/her. The representative may be an attorney, parent or guardian.
4. The student or the representative is permitted to hear the evidence presented about the case, to face the accuser, to cross-examine witnesses and to introduce evidence.
5. The hearings officer will determine the findings as to facts and whether or not the student charged is guilty of the alleged conduct, the decision on the disciplinary action, if any, and the duration of any exclusion.
6. The decision of the officer is to be made available in identical form and at the same time to the student and the parent(s) or guardian(s).
7. At the next regular meeting, the Board may review the decision of the hearings officer and may affirm, modify or reverse the decision.
8. If further Board action is taken in executive session it shall be a matter of record in the student(s) behavioral file only, and the student and parent(s) or guardian(s) informed in writing of the action.
9. When a closed hearing is conducted by the hearings officer or when an executive session is held by the Board, the following shall not be made public:
  - a. The name of the student;
  - b. The issue;
  - c. The discussion;
  - d. The vote of the Board members.

## Step 3 Appeal

The student or parent may appeal to the Board and ask for a new hearing before it, and the decision of the Board may be appealed to the courts. A request for a hearing may be waived by the hearings officer and sent directly to the Board where all the procedures of a hearing are to be followed. Where the student or the student's parent(s) cannot understand the spoken English language, an interpreter can be provided by the district.