

Sherman County S. D.

Code: **BDE-AR**
Adopted: 8/14/95

Public Hearings

The Board will hold hearings as required by law and contractual agreement using the following procedure:

I. Informal Hearings

The Board will meet in an informal hearing with an employee, at his/her request, to discuss the reasons for an action taken involving a reduction in rank or compensation or suspension without pay or dismissal. Informal hearings may also be requested by a student and his/her parent or guardian regarding disciplinary action taken. The action taken must have been taken against the person requesting the hearing. An informal hearing will consist of the following procedure:

- A. Review of the charges against the individual, the disciplinary action taken; and
- B. Response by student or employee to the charges.

The hearing will be held in executive session unless the person requesting the hearing specifies otherwise.

Informal hearings may also be held by the Board according to Board policy and otherwise at the Board's discretion.

II. Formal Hearings

Formal hearings shall be held by the Board or by the superintendent or his/her designee, if requested by the party against whom an action has been taken.

The procedure for hearings regarding the expulsion of students will be:

Student Personnel

- A. A notice shall be given to the student and/or be sent to the parent or guardian by certified mail, if not accepted by regular mail, citing the specific charge or charges. The notice shall state a recommendation of either expulsion or suspension pending investigation for possible expulsion, when a hearing will take place and his/her (or their) right to representation. This written notice shall be mailed at least seven (7) days prior to the hearing.
- B. A hearing will be held unless the student and the student's parents or guardians waive, in writing, the right to a hearing. By waiving the right to a hearing, or non-attendance at the hearing, the student and his/her parent agree to abide by the lawful findings of the hearing or review officer.

- C. The superintendent or his/her designated representative shall act as the hearings officer and shall conduct the hearing.
- D. The student shall be permitted to have a representative present at the hearing to advise and represent him/her. The representative may be an attorney, parent or guardian.
- E. The student shall be afforded the right to answer the charges and to give evidence by way of oral testimony, affidavits or exhibits.
- F. The student shall be permitted to hear the evidence presented against him/her.
- G. The hearing officer shall determine the facts of each case on the evidence presented at the hearing. This may include the relevant past history and records of the student. He/She shall submit to the Board his/her findings and his/her decision on disciplinary action, if any, including the duration of the expulsion. Following expulsion of a student, the district may propose alternative programs of instruction or counseling, or both, for the student.
- H. Strict rules of evidence shall not apply to the proceedings. However, this provision shall not limit the hearing officer's control of the hearing.
- I. The hearings officer or the accused may make a record of the hearing.
- J. Hearings will be held in private unless the student and his/her parent or guardian requests a public hearing.
- K. Expulsion shall not normally extend beyond the end of the current term or semester unless the semester ends within such a short period of time that the expulsion would be too short to be effective. In any case, the expulsion shall not extend beyond the second term or semester.
- L. The Board shall review the decision of the hearings officer and may affirm, modify or reverse his/her decision. Final action on a student expulsion shall be voted on by the Board in executive session and if the hearing was held in private, the name, issue, discussion and members' vote shall not be made public.

District Personnel (Probationary Teacher)

The following procedure will be followed regarding the dismissal or non-renewal of a probationary contracted licensed employee:

- A. The Board shall take action in a public meeting after due consideration of the case and making a determination that sufficient reason exists to dismiss or non-renew a probationary teacher's contract. The consideration may take place in executive session.
- B. Written notice will be given to the teacher.
 - 1. In dismissal cases, the reasons will be included in the notice.

2. In cases of non-renewal of a contract, the teacher must be given the written notice by April 1.
- C. If the teacher submits a written request for a hearing, it must be made within 10 days of receipt of the notice. Dismissal cases may be heard by the superintendent, as the designated hearings officer. Non-renewal cases shall be heard by the Board. The Board or the superintendent will set a time and place for the hearing within 30 days after receiving the teacher's request. The written reasons will then be sent to the teacher in non-renewal cases, upon their request.
 - D. The written reasons for the action will form the only basis for the hearing.
 - E. The hearing will be in executive session unless the teacher requests otherwise and gives 36 hours advance notice to the Board.
 - F. The hearing shall consist of the following procedures:
 1. The burden of going forward and of proving why the action should not be taken rests with the teacher;
 2. Witnesses may be called and evidence presented;
 3. Witnesses may be questioned and cross-examined.
 4. Parties may have legal representation. A teacher may be represented by an attorney or by a representative of his/her choice.