

# INFORMAL HEARINGS

for Students in Grades Kindergarten – Fifth (except JD Rule 4i violations)

The Director of Student Discipline, the Coordinator of Student Discipline, a Student Discipline Hearing Officer, a Tribunal Panel, or a designee may be the delegated hearing officer to convene an Informal Hearing for students in grades kindergarten through fifth grade.

Prior to the scheduled hearing, parents/guardians will receive a letter from the Office of Student Discipline (OSD) indicating what rules are alleged to have been violated, what actions the student is alleged to have engaged in, what persons are to be called as witnesses at the hearing, and a summary of the evidence. A copy of witness statements and other documents and/or evidence to be entered at the hearing will be sent to the parent/guardian along with a copy of the student's school record.

Parents/guardians may bring their own witnesses, documents, and evidence to the hearing. If a subpoena for witnesses or documents is desired, please contact the OSD at least 48 hours in advance of the hearing date.

All parties at the hearing have the right to be represented by legal counsel at their own expense. If the parent/guardian of the student for whom the hearing is being held chooses not to seek legal counsel, an Advisor will be assigned to assist this parent in understanding the hearing process and options available in the preparation and presentation of the child's case at the hearing. If the parent/guardian is not contacted by the Advisor, the parent/guardian should contact the OSD immediately.

During a hearing a verbatim electronic or written recording of the hearing will be made.

A Hearing Officer or Tribunal Panel serves as the Presiding Officer during the hearing. These Hearing Officers and Tribunal Panels serve on a rotational basis with hearings scheduled each week during the school year.

The Hearing Officers and Tribunal Panels make a two-part decision during the hearings. In **Phase I** of the hearing, the HO considers evidence regarding the student's alleged rule violation(s) and decides whether or not the student violated any part of the school rules or student *Code of Conduct*. The decision is based solely on the evidence presented at the hearing.

If a student is found to have violated a rule or code, the matter proceeds to the second part of the hearing. In **Phase II**, the Hearing Officer of Tribunal Panel decides what, if any, consequences will flow as a result of the rule violation, such as long-term suspension, expulsion, alternative school placement, or other interventions.

For students receiving services from the **Exceptional Children Department**, only a Phase I hearing will be held. If a student is found to have violated a rule or code, the matter will be referred to an Individual Education Program (IEP) Team for further determinations.

## HEARING PROCEDURES

Except under exceptional circumstances, hearings are held at the Office of Student Discipline in the Jo Wells Educational Center in Hapeville, Georgia.

At the beginning of the hearing the Hearing Officer or a Tribunal Panel Member will establish that those present in the room include the student, his or her parent/guardian, their representative or attorney if they so choose, and a representative for the school administration and/or school district. No other persons are allowed in the hearing room without the approval of the Hearing Officer or Tribunal Panel.

Upon hearing the rules and acts alleged to have been violated, the student has the opportunity to admit or deny these. The school/district has the opportunity to present their case first, with the student and parent/guardian having the opportunity to question all that is presented. Then the student and parent/guardian have to opportunity to present its evidence with the school/district having the time to question what is presented by the student.

Although all witnesses are sworn in prior to testifying, at one point of the hearing, the student may make an unsworn statement which cannot be questioned by the school/district if he or she so chooses.

The student or his/her representative and the school administrator or district representative may present recommendations about an appropriate penalty. The Hearing Officer or Tribunal Panel shall decide what penalty, if any, will be imposed.

The decision may be appealed. A written decision will be sent to the student and parent/guardian within ten days of the decision. A letter of appeal must be filed within twenty days of the date of the decision. The letter of appeal should be sent to the Board Secretary, whose name and address will be included in the written decision.