

**Disciplinary Hearing Process**

*A disciplinary hearing will be held within 10 school days of any serious violation or numerous violations of the Code of Conduct in which the Superintendent believes that a suspension of more than ten days or an expulsion is appropriate. These violations typically fall in the Level IV or V categories in the Code of Conduct but can also include repetitive Levels I, II, and III.*

**Hearing Officer**

Disciplinary Hearing Officers are independent decision makers appointed by CACS’s Governing Board to hear disciplinary matters. Notwithstanding anything to the contrary here within, Disciplinary Hearing Officers have the authority to issue a short-term suspension, long-term suspension, or expulsion of any student found to have violated the Code of Conduct. If a Disciplinary Hearing is called, the student will be suspended from school until the hearing can be held. The hearing will be held no later than ten (10) school days after the beginning of the suspension unless the parent and school mutually agree to an extension or the conduct of the student or parent causes a delay beyond said ten (10)-day period.

**Disciplinary Hearing Procedures for Regular Education Students**

Disciplinary Hearing Officers are independent decision makers appointed by CACS to hear disciplinary matters. Notwithstanding anything to the contrary here within, Disciplinary Hearing Officers have the authority to issue a short - term suspension, long-term suspension, or expulsion of any student found to have violated the Code of Conduct.

The Disciplinary Hearing Officer must meet the training requirements included in OCGA 20 -2-759 and SBOE Rule 160-4-8 -.15. SBOE Rule 160-4-8-.15 provides that individuasl selectedby the local education agency (LEA) to be **a** disciplinary officer or member of **a** disciplinary hearing panel must either be: (1) in good standing with the State Bar of Georgia: (2) have experience as a teacher counseler. or administrator in a public school system: or (3) is actively serving as a hearing officer under an existing contact/ agreementwith a Georgia school system and has completed an approved Georgia Department of Education (GaDOEl tribunal training course.

If a disciplinary hearing is called, the student will be suspended from school until the hearing can be held. The hearing

will be held no later than ten (10) school days after the beginning of the suspension unless the parent and school mutually agree to an extension or the conduct of the student or parent causes a delay beyond said ten-day (10) period. Prior to the hearing, students and parents will receive a notice to include the following:

1. The rules which the student has allegedly violated.
2. A description of the student’s act.
3. The names of the witnesses who may testify against the student (witnesses may be added prior to and during the hearing).
4. The maximum punishment that the student could receive.
5. The time and place for the hearing.
6. That the student is entitled to require witnesses to be present at the hearing and the student will have the right to present evidence, examine any and all witnesses presented and have an attorney, at the student’s expense, to represent the student.

The school administrators should be notified prior to the hearing if a subpoena is to be issued by the Executive Director. Parents/guardians should contact the school if they would like the notice and other documents related to the hearing in a language other than English. Language interpreter services are also available upon request for a student disciplinary hearing. At the hearing, students and parents will have the right to present witnesses and evidence, to examine any and all witnesses presented, and to have an attorney, at the parent's expense, to represent the student. The decision of the Disciplinary Hearing Officer may be appealed by submitting a written notice of appeal to the Executive Director within twenty (20) calendar days from the date the decision is made.

A student disciplinary hearing is formal, although the strict rules of evidence as applied in a court do not apply in a disciplinary hearing. The school has the burden of proving that the student engaged in acts that violated the Student Code of Conduct. Students who deny that they have violated the Code of Conduct should be prepared to present evidence and or witnesses to prove that the student did not violate the Code of Conduct. The Disciplinary Hearing Officer will determine whether the student did or did not violate the Student Code of Conduct as set forth by the school. The Disciplinary Hearing Officer shall make a verbatim or written record of any information orally presented at the hearing. A transcript of the hearing will not be prepared unless there is an appeal to the Board of Education. The record and documentary evidence shall be kept on file by the Executive Director or designee for a period of twenty (20) days after the date of the decision of the Disciplinary Hearing Officer. If no appeal is filed within twenty (20) days of the date of the decision of the Disciplinary Hearing Officer, the record and documentary evidence may be destroyed. If an appeal is filed, the record and documentary evidence will be kept until thirty-one (31) days after the appeal(s) become final at which time the record and documentary evidence may be destroyed.

**Notice**

Prior to the hearing, students and parents will receive a notice to include the following:

1. The rules which the student has allegedly violated.

2. A description of the student’s acts.

3. The names of the witnesses who may testify against the student (witnesses may be added prior to and during the hearing).

4. The maximum punishment that the student could receive and a recommendation for discipline.

5. The time and place for the hearing.

6. That the student is entitled to require witnesses to be present at the hearing and the student will have the right to present evidence, examine any and all witnesses presented and have an attorney at the student’s expense, to represent the student. School administrators should be notified three (3) days prior to the hearing if a subpoena is to be issued by the Superintendent.

7. A statement that all parties are afforded an opportunity to present and respond to evidence and to evidence and to examine and cross examine witnesses.

8. A copy of the hearing process.

The notice of hearing shall be delivered to the student’s parent/guardian either in person, by first class mail, certified mail return receipt requested, and/or delivery confirmation, to the last known address of the parent/guardian. If notice is delivered in person, a written confirmation of delivery should be obtained by the person delivering the notice. Service shall be deemed to be perfected when the notice is deposited in the United States mail with sufficient postage addressed to the last known address of the student/parent/guardian.

**Continuance**

If good and sufficient cause exists, the Superintendent may reschedule a hearing. Upon rescheduling, written notice of the rescheduled date and time of the hearing will be sent to the student’s parent/guardian/representative either in person, by first class mail, certified mail return receipt requested, and/or delivery confirmation. The student’s parent/guardian/representative may request a continuance of the hearing from the Superintendent. Continuances should be requested no later than 24 hours in advance of the scheduled hearing date and time. Extenuating circumstances should be presented for approval. If a continuance is requested or caused by the student’s parent/guardian or representative, the student will continue to serve his/her recommended school level discipline during the time of the continuance and until the hearing is conducted and the Hearing Officer has rendered a decision.

**Waiver of Hearing**

The formal hearing may be omitted if the school, the student, and a parent/guardian agree that the student is guilty of the charges; that the disciplinary action proposed by the school is appropriate; and that the parent/guardian will waive the student's right to a hearing. Such agreement must be reduced to writing in a formal Hearing Waiver Agreement that clearly states that the student admits guilt to the charges, that all parties agree to the consequences, and that the parent/guardian and student clearly waive the right to a hearing. A signed Hearing Waiver Agreement will be presented to the Hearing Officer to determine if the Hearing Officer is willing to accept the agreement as its decision. If the Hearing Officer adopts the agreement as its decision, the decision becomes final and cannot be appealed by the school or the student’s parent/guardian. If the agreement is not adopted as the decision of the hearing, the Hearing Waiver Agreement will become null and void, all parental rights will be restored, and a new hearing date and time will be established.

**Procedural Objections**

Objection to the sufficiency of the notice and/or other procedural objections shall be waived unless written notice thereof is filed with the school no less than 24 hours prior to the time the hearing is scheduled to begin. The hearing may be postponed until such defects have been removed or remedied.

**Hearing Process**

The Hearing Officer will meet at the appointed time and place to review the case. At this time, the Superintendent or designee will present the facts of the case against the student as well as the reason for the recommendation. The Superintendent/designee, the school’s attorney, the student's parent/guardian or representative, and the Hearing Officer are entitled to question witnesses about any matters which are relevant to the charges against the student or the appropriate discipline. The Hearing Officer has the authority to limit unproductively long or irrelevant questioning. The student’s parent/guardian, or other appointed representative present for the hearing, will be able to ask questions and present arguments against the recommendation. The burden of proof is a preponderance of the evidence (more likely than not) and shall be on the school. The proceedings will be tape recorded for review by the school’s governing board in the event that the hearing's decision is appealed.

**Legal Representation at the Disciplinary Hearing**

If the student is represented by an attorney, the school’s attorney will be present. The student’s parent/guardian must notify the Superintendent no less than 48 hours prior to the tribunal if the student may be represented by an attorney. Failure to give such notice can result in the tribunal being continued so the school’s attorney may be present.

**Appeals**

Any party may appeal the Disciplinary Hearing decision to the school’s Governing Board by filing a written notice of appeal within twenty (20) calendar days of the date of decision. The appeal should be addressed to the attention of the school’s Governing Board Chair and delivered to the Superintendent. Appeals must be in written and hand delivered or mailed to the Superintendent within the 20-calendar day appeal timeline. Appeals by the Superintendent must be approved by the Board Chair. Upon the appeal of a decision of the Hearing Officer, the Governing Board will render its decision within 10 school days from the date it receives notice of the appeal, unless all parties agree to a different date. The Board’s decision shall be in writing and a copy shall be provided to the student/parent/guardian and the Superintendent. The Governing Board may take any action it deems appropriate, and any decision of the Board is final. The Board may not impose a punishment that is harsher than that imposed by the Hearing Officer without an explanation of the harsher punishment. Imposing a harsher penalty without stating any reasons is a denial of due process.