

FOOTHILLS EDUCATION CHARTER HIGH SCHOOL

Discipline Hearing Procedures:

Foothills Education Charter High School Governance Board authorizes the establishment of disciplinary hearing officer to hear cases for which long-term suspension or expulsion may result for students in grades 7-12.

Definitions:

(1) Expulsion means expulsion of a student from a school beyond the current school quarter or semester.

(2) Long-term suspension means the suspension of a student from a school for more than ten school days but not beyond the current school quarter or semester.

A Hearing Officer will hold hearings in any of the following instances as required by O.C.G.A. §20-2-753: **A Hearing Officer is required to have training as mandated by the State of Georgia in order to hold a hearing.**

(1) An alleged assault or act of physical violence by a student upon any bus driver, teacher, other school official, or employee;

(2) Where a student has violated any school or system code, policy, regulation or engaged in any other act of misconduct which the student's site director or his or her designee determines could justify the long-term suspension or expulsion of the student.

1. When any instance specified above occurs, the person subjected to the assault, battery, or damage shall file a complaint with the school administration and with the Governance Board. The said complaint will be turned over to a Hearing Officer for a hearing. The Hearing is held no later than ten school days after the beginning of the suspension unless the school system and parents or guardians mutually agree to an extension.

2. Hearing Officer shall preside over all hearings. The hearing officer will be appointed by the Board and may or may not be a school system employee. In the absence of the stated hearing officer, the superintendent will appoint a substitute.

3. The superintendent/designee shall be responsible for providing the notice to the student and his/her parent, which notice shall include:

- (a). a statement of the time, place and nature of the hearing,
- (b). a short and plain statement of the matters asserted and the charges, including the most serious consequences that may result if the charges are found to be correct, and a list of witnesses who may testify at the hearing,
- (c). a statement setting forth the right of the student to present evidence, subpoena witnesses in their defense, cross-examine witnesses, present argument and be represented by legal counsel.

4. At the hearing, the student shall have the right to present evidence, subpoena witnesses, and cross-examine witnesses, and present argument on his/her behalf, and the principal of the school shall be responsible for presenting the evidence in support of the charges against the student. The superintendent shall also insure that a verbatim electronic or written record of the hearing is maintained as required by law. This record shall be available to all parties but the party requesting the transcript shall bear the cost of transcribing such records.

5. The Hearing Officer shall render a decision finding whether the student has committed the offense, and if so, the Hearing Officer shall render a decision as to the appropriate punishment. The decision of the hearing tribunal shall be based solely on the evidence received at the hearing, including any evidence presented by either party relevant to the appropriate punishment to be imposed. The hearing tribunal shall render the decision in writing as soon as possible and in no event later than ten days from the close of the record. They shall furnish a copy of the decision to the student, his or her parents or legal guardians, the principal and the superintendent. In the case of a student charged with an act of physical violence, refer to Section 9 below.

6. The student or his parents or guardians may appeal a decision of the hearing tribunal to impose long-term suspension or expulsion to the Governance Board by filing with the superintendent a written notice of appeal within twenty (20) days from the date the decision is rendered. Such notice of appeal shall set forth the decision of the hearing tribunal and the basis of the appeal. Any decision of the hearing tribunal not appealed in this manner shall be final. The superintendent may suspend the disciplinary action imposed by the hearing tribunal pending the outcome of the appeal.

7. In considering an appeal, the Governance Board shall review the record of the hearing before the hearing tribunal, the decision of the hearing tribunal and

the notice of appeal, and shall render its decision in writing within ten (10) days, excluding weekends and holidays, from the day it receives the notice of appeal. The decision of the board of education shall be based solely on the record before the hearing tribunal, and the board shall not consider any new or other evidence in ruling on the appeal. The board may uphold or reverse the finding(s) of the Tribunal, and may change the punishment imposed, except that if the board of education chooses to increase the punishment imposed, it shall state its reasons for doing so in writing. All parties shall have the right to be represented by legal counsel at any such appeal, though oral argument is not permitted unless so granted in the discretion of the board of education. The decision of the board of education shall be final, except that the decision may be appealed to the State Board of Education by filing an appeal in writing with the superintendent within thirty (30) days after the Governance Board renders its decision.

8. The school administration, Hearing Officer, a tribunal of school officials, or the local board of education may, when any alleged criminal action by a student occurs, report the incident to the appropriate law enforcement agency or officer for investigation to determine if criminal charges or delinquent proceedings should be initiated.

9. In the case of a student charged with an act of physical violence as defined under Georgia law against a teacher, bus driver, school official or other school employee, the student shall be suspended from school pending a hearing by a Tribunal.

a) A student found by a tribunal to have committed an act of physical violence by intentionally making physical contact that causes physical harm against a teacher, bus driver, school official or employee (unless such physical contact or physical harm were in defense of himself or herself) shall be expelled from Foothills Education Charter High School for the remainder of that student's eligibility to attend public school pursuant to O.C.G.A. 20-2-150.

b) A student found by a tribunal to have committed an act of physical violence by intentionally making physical contact of an insulting or provoking nature with the person of a teacher, bus driver, school official or employee, may be disciplined by expulsion, long-term suspension, or short-term suspension.

c) The decision of the Hearing Officer as to whether the student violated the Code of Conduct shall be final and, unless appealed in accordance with Section 7 above, shall constitute the decision of the board of education.

10. The Tribunal hearing and the records created at such hearing shall be exempt from the State's open meeting and open record law. The only public

record shall be a written summary of the incident and its disposition which record shall not contain the names of any party of student.

Nothing in this policy shall be construed to infringe upon any rights provided to students pursuant to the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973 or the American with Disabilities Act of 1990.

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