

I. PRINCIPAL'S ACTIONS

If the principal, following an investigation, believes there is sufficient reason to suspend a student for more than ten days, he shall notify the superintendent in writing [JGDA-E(1)] of his intentions. The notification to the superintendent shall include the specific reasons for invoking a suspension for more than ten days. Copies of the notification shall be sent by registered mail to the parent(s)/guardian(s) of the student and given to the student in the presence of a witness. Notification to the student and the parent(s)/guardian(s) shall contain a copy of this policy.

This policy does not affect the student who has violated the weapon or drug policy. Procedures for suspension of students possessing weapons or drugs on educational property are outlined in Policy JFC-R (Student Conduct/Discipline).

The hearing procedures described herein do not affect the principal's authority to invoke a short-term suspension or other sanction after his investigation and prior to the long-term suspension.

II. LONG-TERM SUSPENSION HEARING PROCEDURES

Upon receipt of the principal's request to suspend a student in excess of ten days, the superintendent or his designee shall promptly appoint a hearing officer. The hearing officer shall convene a hearing within five school days of his appointment. The principal or designee shall give at least three days' written notice to the parent(s) or guardian(s) of the time and place of the hearing and the offenses of which the student is accused [JGDA-E(2)]. A copy of this notification shall be sent to the superintendent.

The following rules will govern the conduct of the hearing:

1. The hearing shall be conducted in private.
2. The student, his parent(s) or guardian(s) may be present at the hearing and may be represented by counsel. Notification must be given to the principal at least two days prior to the hearing if the student will be represented by counsel.
3. Witnesses, other than the student and the principal, should be present only when giving information. The hearing may be attended by the hearing officer; the principal; the assistant principal; the student; his parent(s)/guardian(s); legal counsel for the plaintiff and/or defendant, if desired; and such other persons as the hearing officer deems necessary.
4. The hearing officer may consider pertinent school records of the student as well as the testimony of any witnesses.

5. In presenting evidence, the principal or other representatives of the school have the burden of proof and shall present first the witnesses and documentary evidence against the student. Next, the student or his representative may present evidence, including any documents and witnesses.
6. Both the principal or school representative and the student or his representative may examine the witnesses presented by the other side. The hearing officer has power to limit questioning by any person, if such questioning is unproductively lengthy, irrelevant, hostile, or intimidating.
7. The hearing officer shall provide to the parent(s)/guardian(s) of the student a recording of any information orally presented at the hearing. An audio tape of the hearing shall be available for a fee of ten dollars or a written copy furnished at a rate of three dollars per page.
8. The hearing officer shall set forth in writing the findings of fact(s) and send the report to the superintendent within three school days after the hearing is completed.

III. REVIEW BY THE SUPERINTENDENT

The hearing officer's report shall be reviewed promptly by the superintendent. In reaching his decision, the superintendent shall consider only the request from the principal to suspend the student in excess of ten days and the report of the hearing officer. If the superintendent grants permission, the principal shall notify the student and his parent(s) or guardian(s) of the long-term suspension [JGDA-E(3)] and of the right to appeal to the Board of Education.

IV. APPEAL TO THE BOARD OF EDUCATION

Any student aggrieved by the final action of the principal may appeal to the Board of Education. The superintendent will inform the Board chairperson of the request for an appeal and arrange in a timely manner a hearing before the Board. Such an appeal shall be on the principal's decision and on the record made in the hearing, and new evidence will be admitted only to avoid a substantial threat of unfairness.

The Board of Education must be sure that: (1) the penalty was not excessive, (2) there was sufficient evidence to justify punishment, and (3) the proper procedures were followed.

V. APPEAL TO THE COURTS

An adverse decision by the Transylvania County Board of Education may be appealed by the student to a court of law as provided by statute.

Legal Reference: G.S. 115C-45, -47, -288, -307, -390, -391

APPROVED BY BOARD
AND EFFECTIVE 6/27/94

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