

DUE PROCESS

Procedures for implementing due process and reporting complaints.

The hearing provided for shall be afforded procedural process, including the following:

(A) The right of the student to have counsel of his own choice present and to receive the advice of such counsel or other person whom he may select.

(B) The right of the parents or guardians of the student to be present at the hearing.

(C) The right of the student and his counsel or advisor to hear or read a full report of testimony of witnesses against him.

(D) The right of the student to present his own witnesses in person or their testimony by affidavit.

(E) The right of the student to testify in his own behalf and give reasons for his conduct.

(F) The right of the student to have an orderly hearing.

(G) The right of the student to a fair and impartial decision based on substantial evidence.

Upon completion of any hearing which results in a long-term suspension or expulsion, should it appear to the hearing officer conducting such hearing that a violation of a criminal statute or a city ordinance may have occurred concurrently with the acts upon which such long-term suspension or expulsion is based, such official conducting the hearing shall report the same to the juvenile court or other appropriate law enforcement agency.

COMPLAINTS AND GRIEVANCES

In order to provide an opportunity for the expression of legitimate concerns of students with respect to the application of any school rule or regulation, the District will consider complaints and grievances through the procedures established in the Board's rules and regulations implementing this policy.

Students, or their parents, may file a complaint with the principal against any school employee or any school rule and regulation. Said complaint must be in writing, and it must be filed within 20 days following the act or event about which the complaint arose. Said complaint must be specific and in reasonable detail as to who, what, where, and when of the complaint. Any complaint not filed within said twenty (20) day period shall be deemed to have been waived.

Complaints or grievances concerning a board policy may be filed at anytime and shall be filed with the principal. Complaints or grievances concerning a particular building principal rule or regulation shall be filed with that principal. The appropriate administrator shall act upon any complaint fulfilling the requirements of this rule within ten (10) days after the complaint is received. Any decision rendered by the building principal may be appealed, in writing, to the Superintendent within ten (10) days of receiving the decision by the building administrator.

The Superintendent shall render a decision in writing within five (5) school days after the conclusion of the hearing. The Superintendent's decision may be appealed to the Board of Education at the next regularly scheduled Board meeting no later than thirty (30) days after receiving the appeal, the Board shall hold a hearing on the grievance. Within ten (10) days after the hearing, the Board shall communicate its decisions in writing to the employee.

APPEAL TO BOARD OF EDUCATION, PROCEDURE AND RECORD

(A) Written notice of the result of any hearing resulting in a long-term suspension or an expulsion shall be given to the student suspended or expelled and to his parents or guardians within twenty-four (24) hours after determination thereof. Any student who has been suspended for an extended term or expelled, or one of his parents or guardians, may appeal such suspension or expulsion to the Board of Education, USD 218, by filing a written notice of appeal with the clerk of the Board of Education not later than ten (10) calendar days after receiving the written notice specified in this section. Any such appeal shall be heard by the Board of Education, or by a hearing officer appointed by such board, not later than twenty (20) calendar days after such notice of appeal is filed. The student and his parents or guardians shall be notified in writing of the time and place of the appeal hearing at least five (5) days prior thereto. Such appeal shall be conducted under rules that are consonant with the "Due Process" section. In all expulsion or extended term suspension cases, there shall be made a record of the appeal hearing by mechanical or electronic recording or by an official court reporter, and the costs thereof shall be paid by the school district. The Board of Education shall render its decision on any such appeal not later than five (5) days after the conclusion of the appeal hearing.

(B) For the purpose of hearing any appeal under this section, the Board of Education may appoint one or more hearing officers. Any such hearing officer shall be a member of the Board of Education or a certified employee of the school district. Any such appointment shall apply to a particular hearing or to a set or class of hearings as specified by the Board of Education in making such appointment. Whenever a hearing officer appointed under authority of this section hears any appeal, he/she shall, after hearing the same, prepare a written report thereon to the Board of Education. After receiving any such report, the Board of Education shall determine the appeal with or without additional hearing. Any appeal determined by the Board of Education in accordance with this subsection (B) shall be valid to the same extent as if the matter were fully heard by the Board of Education without a hearing officer.

SUSPENSION OF COMPULSORY SCHOOL ATTENDANCE LAW

The provision of K.S.A. 1969 Supp. 72-1111 shall not apply to any pupil while subject to suspension or expulsion pursuant to the provision of this act.