

Board Hearing Panel Procedures

The Board is guided by generally accepted standards of fairness in establishing processes for hearings before the Board. Given the Board's considerable responsibilities for overseeing the educational program and operations of the schools, the Board also strives to be efficient in carrying out its various functions, including conducting hearings. The Board and/or Hearing Panel Chair will preside over all hearings and Board legal counsel will assist the Chair, upon request.

Unless other hearing processes are required by law or Board policy, the following procedures will apply in Board hearings. The Board reserves the right to modify this Procedure as necessary in any particular hearing in order to be fair and efficient, in order to meet legal requirements, or for any other reason the Board deems sufficient.

I. Hearing Panels will be held in closed session.

Grievance appeals pursuant to Policy 10.212, Student and Parent Complaints and Grievances, and Policy 7.007, Employee Grievances, typically will be heard in closed session in order to prevent the disclosure of confidential information. Closed sessions will be conducted in accordance with North Carolina Statute 143-318.11 (Closed Sessions).

The Board will consider requests made by a parent, student, or employee to conduct a hearing in open session. However, the Board will make the final determination of whether a hearing will be held in open or closed session.

All closed session Board deliberations and voting will remain confidential.

II. The Superintendent (and/or designee) and/or In-House Counsel is responsible for providing sufficient notice of the time and place a hearing will be held and the nature of the hearing that will be available.

Board hearings will be scheduled as promptly as possible in accordance with Board policies/procedures and notice given to the parties. The Superintendent (and/or designee) and/or In-House Counsel should provide as much notice as is feasible given the particular circumstances. The Superintendent (and/or designee) and/or In-House Counsel shall provide a copy of this Procedure and, when possible, specify time limitations on the oral presentation if different from what is provided in Section IV of this Procedure.

III. Individual hearings will be held unless the Board determines that a group hearing would be a more effective process for hearing and addressing the matter.

When two or more individuals share the same or similar concern or are involved in the same matter to be heard by the Board, the Board may consider whether to conduct a group hearing. The Board may consider factors such as generally accepted standards of fairness, the need for efficiency and the ability to prevent the disclosure of confidential information. The Board will consider requests for group or individual hearings and will make the final determination.

IV. All parties involved in the hearing may submit written position statements and will be given the opportunity for a limited oral presentation.

Written statements may be submitted at the hearing or in advance of the hearing unless otherwise specified. Board hearing panel members will be given the opportunity to review the documents prior to the start of the hearing. All parties will be given the opportunity to address the Board orally as well. The Board may establish time limitations for oral presentations for different types of hearings or may set the time limitation for a particular hearing. Unless parties are notified of a different time length beforehand and/or at the hearing, each party will be offered 15 minutes to present his/her position to the Board.

V. The Board may limit oral presentation to be made by the parties themselves; other witnesses may be excluded. Any individual intending to be represented by legal counsel must notify the superintendent in advance of the hearing.

The Board believes that in most instances, permitting the parties to speak before the Board enables a fair presentation of the parties' positions. Any individual intending to be represented by legal counsel must notify the Superintendent/In-House Counsel in advance of the hearing so that there will be an opportunity to clarify whether legal counsel may be used and to provide the Superintendent and Board the opportunity to be represented by legal counsel. If necessary, the meeting may be rescheduled to enable the Board and/or Superintendent to secure legal counsel for the hearing.

In student disciplinary cases, a student and/or his/her parents may have a spokesperson accompany the student to assist in the presentation of his/her case instead of an attorney. At the beginning of a hearing, the Chair will establish if a spokesperson is present for the student and the identity of that person.

VI. Legal evidentiary rules do not apply to information considered by the Board.

The Board may consider any information that a reasonably prudent person would consider in conducting the serious affairs of a business.

In student disciplinary cases, the student's record will include the total educational record.

VII. In reviewing any appeal of a decision of school personnel, the Board will determine whether the administrative record as a whole provides sufficient evidence to justify the decision of the superintendent; new evidence will not be permitted unless necessary to prevent a threat of substantial unfairness.

The Board will review the administrative record, including any administrative proceedings, and will provide an opportunity for a limited oral presentation of their positions by the superintendent and the party contesting the decision. The submission of documentary evidence and presentation of additional witnesses will be allowed at the discretion of the Board.

The student and/or employee will be given the opportunity to examine any evidence presented in the case and to confront and cross-examine any witnesses in the case.

VIII. Review of the Record and/or Other Hearing Documents

The Board will be given the opportunity to review all appropriate documents before the start or at the beginning of the Board Hearing.

Additionally, all parties (students and their families or employees) requesting a Board Hearing will be given opportunity to review all appropriate documents before the start or at the beginning of the Board Hearing.

IX. The Superintendent (and/or designee) and/or In-House Counsel are responsible for making a record of the hearing.

The Superintendent (and/or designee) and/or In-House Counsel shall make any record required by law. At a minimum, the Board record will incorporate the administrative record provided to the Board for review and any written documents submitted by the parties. The record also will provide the decision of the Board and the basis for the decision when such information is required or specified in law or Board policy.

Last Revision/Adoption: None

Legal References: G.S. 115C-45(c); 143-318.11

Cross References: Policy 10.212 (Student and Parent Complaints) & 7.007 (Employee Grievances)