

Disclaimer

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ANATOMY OF A SCHOOL BOARD HEARING

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TYPES OF HEARINGS

STUDENT HEARINGS

- **EXPULSION and LONG-TERM SUSPENSION HEARINGS**
 - **Required unless waived by parents (or student, if age 18+)**
 - **Process governed by SDCL 13-32-4.2 and ARSD Ch. 24:07**

TYPES OF HEARINGS

EMPLOYEE HEARINGS:

- **CONTINUING CONTRACT TEACHER NONRENEWAL HEARING (required unless waived)**
- **MID-YEAR CONTRACT TERMINATION HEARING (required unless waived)**
- **EMPLOYEE GRIEVANCE HEARING (required if appealed to Board)**
- **PUBLIC/PARENT COMPLAINT AGAINST SCHOOL EMPLOYEE (required if appealed to Board)**

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HEARING PROCEDURE RATIONALE

- **Due Process Requirements**
- **S.D. Supreme Court -**
 - **Strain v. Rapid City Area School District ,**
447 NW2d 332 (SD 1989)

EXCEPTION TO GENERAL RULE OF RECOMMENDED (REQUIRED?) PROCEDURE

**Student long-term suspension and expulsion
cases –**

- Determined on a case-by-case basis**
- Consult with your school attorney**

**SCHOOL BOARD HEARINGS
AND
BOARD MEMBER CONFLICT OF INTEREST
CONSIDERATIONS**

SCHEDULING A HEARING

- **WHO SCHEDULES THE HEARING ?**
- **HOW IS IT SCHEDULED ?**
- **WHERE IS IT HELD ?**

COMPONENTS OF A SCHOOL BOARD HEARING

- **HEARING OFFICER CONSIDERATIONS**
 - **ROLE OF THE HEARING OFFICER**
 - **DESIGNATION OF A HEARING OFFICER**
- **CONSIDER HAVING A COURT REPORTER**
- **SCHEDULING A HEARING**
- **GIVING NOTICE OF THE HEARING**

PRE-HEARING CONSIDERATIONS AND PROCEDURES

SCHOOL ATTORNEY

- WITNESS IDENTIFICATION**
- WITNESS PREPARATION**
- PREPARE EXHIBITS**
- PREPARE FOR CROSS-EXAMINATION**
- PREPARE OPENING STATEMENTS AND CLOSING STATEMENTS**

PRE-HEARING CONSIDERATIONS AND PROCEDURES

HEARING OFFICER

PRE-HEARING PHONE CONFERENCE(S) WITH REPRESENTATIVES OF PARTIES TO DISCUSS/ADDRESS :

- HEARING FORMAT**
- NUMBER AND IDENTITY OF WITNESSES**
- EXHIBITS**
- PRE-HEARING MOTIONS**
- OTHER**

BOARD HEARING MEETING

BOARD MEETING PROTOCOL

- **NOTICE OF MEETING AND PROPOSED AGENDA**
- **CALL TO ORDER AND OTHER PRELIMINARIES**
- **FORMAL DESIGNATION OF HEARING OFFICER IF NOT ALREADY DONE**
- **MOTION TO GO INTO EXECUTIVE SESSION**

BOARD HEARING MEETING

ONCE IN EXECUTIVE SESSION

- HEARING OFFICER MEETS PRIVATELY WITH THE BOARD**
- PARTIES COME INTO EXECUTIVE SESSION**
- HEARING OFFICER READS PREPARED STATEMENT**

EVIDENTIARY HEARING

EVIDENTIARY HEARING COMPONENTS

- **OPENING STATEMENTS**
- **PRODUCTION OF EVIDENCE**
- **WITNESSES - DIRECT EXAMINATION AND CROSS EXAMINATION**
- **BOARD OPPORTUNITY TO ASK QUESTIONS**
- **CLOSING STATEMENTS**

BOARD DELIBERATIONS and BOARD ACTION

- **BOARD DELIBERATIONS AND ROLE OF HEARING OFFICE**
- **WRITTEN DECISION, FINDINGS OF FACT AND CONCLUSIONS OF LAW**
 - **DRAFTED BY HEARING OFFICER**
 - **BOARD APPROVAL REQUIRED**

BOARD DELIBERATIONS and BOARD ACTION

**NOTICE GIVEN OF BOARD'S DECISION,
FINDINGS OF FACT AND CONCLUSIONS OF LAW**

APPEALS OF SCHOOL BOARD HEARING DECISIONS

- **CIRCUIT COURT**
 - **EMPLOYEE CONTRACT NONRENEWAL AND CONTRACT TERMINATION**
 - **PUBLIC/PARENT COMPLAINT AGAINST A SCHOOL EMPLOYEE**
 - **STUDENT EXPULSION/LONG TERM SUSPENSION**
- **DEPARTMENT OF LABOR**
 - **EMPLOYEE GRIEVANCES**

CLOSING THOUGHTS

QUESTIONS ??