

**Southwest Georgia STEM Charter School**  
**Policy S2: Student Tribunal Policies**  
**Adopted: July 23, 2020**

The Governing Board of Southwest Georgia Stem Charter hereby adopts the following discipline hearing policy which shall be effective on the date the policy is adopted by the Board.

**Section One: Progressive Discipline**

Students are expected to comply with Policy S1 of Southwest Georgia STEM Charter School. The rules described in S1 shall be provided to each student and parent in a student handbook which shall be distributed and discussed with students either at the time of registration or at the beginning of the school year.

Except in cases of serious disruptive behavior, or misconduct, students who violate school rules shall receive a progressive sequence of consequences. Parent notification and involvement is essential to modify inappropriate behavior.

Students who exhibit chronically disruptive or inappropriate behavior shall be referred to the local school Student Support Team (SST) or provided a behavior contract. The SST can provide assistance to teachers in meeting needs of students who experience problems in school.

In cases of serious misconduct or chronically disruptive behavior, students may be assigned to an alternative education program or be suspended or expelled from school.

**Alternative Education Programs**

If possible, disruptive students should be assigned to alternative education programs during their long-term suspension or expulsion from school. The purpose of the alternative education programs is to provide an opportunity for students to focus on their academic and social development in a smaller setting away from their home school.

**Short Term Suspension**

A principal, or other personnel designated to perform the duties normally performed by the principal, may suspend a student for violation of school rules or for any other act of misconduct or insubordination for a period not exceeding ten (10) school days.

Oral notice and an opportunity to discuss the matter with the principal or an assistant principal must be given to the student as soon as is practicable, and written notice (disciplinary referral) stating the reason for suspension shall be given to parents or guardians within a reasonable time, not to exceed two school days.

**Long Term Suspension**

A student shall subject to suspension for any period in excess of ten (10) school days for violation of school rules or for any other act of misconduct or insubordination shall be entitled to a disciplinary hearing. The Board authorizes hearing officers to impose suspension or expulsion in accordance with adopted rules and regulations concerning the selection of the hearing officers

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and panel members, as well as procedures to be followed including rights of appeal. A decision to suspend a student for more than ten (10) days shall come only after the student has been afforded notice, opportunity for hearing and other procedural rights consistent with state and federal due process requirements including, for special education students, the rights conferred by the Individuals with Disabilities Education Act ("IDEA") or Section 504.

Alternative Disciplinary Consequences

A student subject to short term suspension, or long term suspension may be provided with the opportunity to reduce the period of suspension by completing alternative disciplinary consequences. The decision to allow a student the opportunity to reduce the period of suspension shall be at the discretion of the administrator, hearing officer, or panel determining the consequence imposed as a result of the student's misconduct, subject to procedures developed by the Superintendent, or designee. The student shall have the option to complete the alternative disciplinary consequences or to serve the full term of his or her suspension. The following alternative disciplinary consequences are authorized: (1) Attend a drug treatment program; (2) perform community service; or (3) pay restitution.

**Section Two: Disciplinary Tribunal**

A disciplinary tribunal will be held within 10 school days of any serious violation or numerous violations of the Code of Conduct in which the Principal believes that a suspension of more than ten days or an expulsion is appropriate. These violations typically fall in the Level III category in the Code of Conduct but can also include repetitive Level I and Level II behaviors.

Hearing Officer Disciplinary tribunals will be conducted by an independent Hearing Officer. Hearing Officers must meet at least one of the following qualifications:

- 1) Legal counsel in good standing with the State Bar of Georgia
- 2) Have experience as a teacher, counselor, or administrator in a school system
- 3) OR has completed an approved tribunal training course.

The Hearing Officer will serve as the presiding officer and may rule on issues of procedure and admissibility of evidence presented during the tribunal. The Hearing Officer will determine if the student violated the Code of Conduct; and if the Code was violated, imposing appropriate disciplinary action. The maximum penalty that can be imposed by a Hearing Officer is permanent expulsion.

Permanent Expulsion means that the student may not attend school, a school function, or be on school property (including extensions of school property).

**Section Three: Notice**

The School shall provide written notice of the relevant procedures to the student's parent/guardian. The notification shall include the following:

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**Policy S2: Student Tribunal Policies**  
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1. A brief statement of the act(s) student is alleged to have committed, along with the portion of the Code of Conduct allegedly violated.
2. The maximum penalty which may be administered for the alleged misconduct, and a recommendation for discipline.
3. A copy of this tribunal process.
4. The date, time and place of the hearing.
5. The names of witnesses expected to be called at the hearing and a short summary of evidence that may be presented.
6. A statement that a hearing is required unless the student's parent/guardian waives the hearing
7. A statement that at the hearing the student is entitled to be represented by an attorney if so desired; and that the student may subpoena witnesses upon request.
8. A statement that all parties are afforded an opportunity to present and respond to evidence and to examine and cross-examine witnesses.

The notice of hearing shall be delivered to the student's parent/guardian either in person, by first class mail, certified mail return receipt requested, and/or delivery confirmation, to the last known address of the parent/guardian. If notice is delivered in person, a written confirmation of delivery should be obtained by the person delivering the notice. Service shall be deemed to be perfected when the notice is deposited in the United States mail with sufficient postage addressed to the last known address of the student/parent/guardian.

**Section Three: Continuance**

If good and sufficient cause exists, the Principal may reschedule a hearing. Upon rescheduling, written notice of the rescheduled date and time of the hearing will be sent to the student's parent/guardian/representative either in person, by first class mail, certified mail return receipt requested, and/or delivery confirmation. The student's parent/guardian/representative may request a continuance of the hearing from the Principal. Continuances should be requested no later than 24 hours in advance of the scheduled hearing date and time. Extenuating circumstances should be presented for approval. If a continuance is requested or caused by the student's parent/guardian or representative, the student will continue to serve his/her recommended School level discipline during the time of the continuance and until the hearing is conducted and the Hearing Officer has rendered a decision.

**Section Four: Waiver of Hearing:**

The formal tribunal may be bypassed if the school, the student and a parent/guardian agree that the student is guilty of the charges; that the disciplinary action proposed by the school is appropriate; and that the parent/guardian will waive the student's right to a hearing. Such

**Southwest Georgia STEM Charter School**  
**Policy S2: Student Tribunal Policies**  
**Adopted: July 23, 2020**

agreement must be reduced to writing in a formal Tribunal Waiver Agreement that clearly states that the student admits guilt to the charges, that all parties agree to the consequences, and that the parent/guardian and student clearly waive the right to a hearing. A signed Tribunal Waiver Agreement will be presented to the Hearing Officer to determine if the Hearing Officer is willing to accept the agreement as its decision. If the tribunal adopts the agreement as its decision, the decision becomes final and cannot be appealed by the School or the student's parent/guardian. If the agreement is not adopted as the decision of the tribunal, the Tribunal Waiver Agreement will become null and void, all parental rights will be restored and a new hearing date and time will be established.

**Section Five: Hearing Process**

The Hearing Officer will meet at the appointed time and place to review the case. At this time, the Principal or designee will present the facts of the case against the student as well as the reason for the recommendation. The Principal/designee, the School's attorney, the student's parent/guardian or representative, and the Hearing Officer are entitled to question witnesses about any matters which are relevant to the charges against the student or the appropriate discipline. The Hearing Officer has the authority to limit unproductively long or irrelevant questioning. The student's parent/guardian, or other appointed representative present for the hearing, will be able to ask questions and present arguments against the recommendation. The burden of proof is a preponderance of the evidence (more likely than not) and shall be on the School. The proceedings will be tape recorded for review by the school's Governing Board in the event that the tribunal's decision is appealed.

**Section Six: Legal Representation at the Disciplinary Tribunal**

If the student is represented by an attorney, the School's attorney will be present. The student's parent/guardian must notify the Principal not less than 48 hours prior to the tribunal if the student may be represented by an attorney. Failure to give such notice can result in the tribunal being continued so the School's attorney may be present.

**Section Seven: Appeals**

Any party may appeal the tribunal decision to the school's governing board by filing a written notice of appeal within twenty (20) calendar days of the date of decision. The appeal should be addressed to the attention of the school's governing board Chair and delivered to the Principal. Appeals via email alone may be accepted but appealing parties must confirm receipt with the Principal within the 20 calendar day appeal timeline. Appeals by the Principal must be approved by the Board Chair. Upon the appeal of a decision of the Hearing Officer, the Governing Board will render its decision within 10 school days from the date the school's governing board receives notice of the appeal, unless all parties agree to a different date. The decision shall be in writing and a copy shall be provided to the student/parent/guardian, and the Principal. The Governing Board may take any action it deems appropriate, and any decision of the Board is final. The Board may not impose a punishment that is harsher than that imposed by

**Southwest Georgia STEM Charter School**  
**Policy S2: Student Tribunal Policies**  
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the Hearing Officer without an explanation of the harsher punishment. Imposing a harsher penalty without stating any reasons is a denial of due process. The tribunal and any appeals will be closed as required by state and federal law. The parties shall have the right to be represented by legal counsel during the appeal.

The Board of Education shall review the record of the hearing before the hearing tribunal, the decision of the hearing tribunal and 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 other evidence in ruling on the appeal. The Board may find the facts to be different than those found by the hearing tribunal and the Board may change the punishment, in accordance with state law.

Any student subject to a disciplinary hearing who withdraws from the school system prior to the hearing must appear before a Disciplinary Hearing Tribunal to determine the student's eligibility to return to the school system in the event the student ever seeks to return to the system. Alternatively, the school district may, in its discretion, proceed with the tribunal in accordance with Board policy despite the student's withdrawal from school.