

BOARD POLICY
Student Hearing Procedure

Descriptor Term: JCEB
Date: XXXXX XX, 2023

For the purpose of conducting certain student discipline hearings, as defined below, rendering a decision and imposing punishment, the Bibb County Board of Education ("Board") hereby adopts the following procedures:

1. A hearing officer will convene and conduct a hearing in the following cases:
 - (a) Where a student has committed an alleged assault or battery upon a teacher, other school official or employee, if such teacher or other school official or employee so requests;
 - (b) Where a student has violated any school or system rule or engaged in any other act of misconduct or insubordination for which the student's principal recommends a suspension or expulsion longer than ten school days.
 - (c) Where a student possesses a "weapon" as that term is defined in Board Policy JCDAE on property or in a building owned or leased by the Bibb County School District ("District"), at a school function, at a designated school bus stop, or on a bus or other transportation provided by the School District.
2. The Board hereby authorizes the Superintendent to appoint a hearing officer. When the principal of a school or his or her designee refers a student for a hearing as described in Paragraph (1), the hearing officer shall be responsible for convening and conducting the discipline hearing as detailed below.
3. Whenever a principal or his or her designee refers a student discipline matter to the Superintendent or hearing officer, the Assistant Superintendent of Student Affairs or his or her designee shall send a letter by regular or certified mail or personal delivery to the student and his or her parents or guardians, containing a statement of the time, place and nature of the hearing, a short and plain statement of the matters asserted, charges against the student, a list of potential witnesses, and a statement setting forth the right of the student to present evidence, cross-examine witnesses, and be represented by legal counsel. The hearing must be held no later than ten school days after the beginning of the suspension unless the District and parents or guardians mutually agree to an extension.
4. Legal Representation/Involvement of an Attorney: If the student is represented by an attorney, the Board attorney will be present to represent the District. The student/parent/guardian must notify the hearing officer no less than two days (48 hours and excluding weekends and District breaks/holidays) prior to the hearing if the student will be represented by an attorney. Failure to give such notice will result in the hearing being continued so that the Board's attorney can be present.

5. The school principal or his or her designee will be responsible for presenting evidence in support of the charges against the student and all parties will be afforded an opportunity to present and respond to evidence and to examine and cross-examine witnesses on any and all issues. Any teacher who is called as a witness by the District will be given notice no later than three days prior to the hearing. The hearing officer will have made a verbatim electronic or written record of the hearing. This record will be available to all parties but the cost of transcribing such record will be borne by the party requesting the transcript.
6. The hearing officer will render a decision finding whether the student committed the offense and, if so, the appropriate punishment. The decision of the hearing officer will be based solely on the evidence received at the hearing, including any evidence presented by either party relevant to the appropriate punishment to be imposed. The hearing officer will render a decision in writing within ten days of the close of the record and will furnish a copy of the decision to the student, his or her parents or legal guardians, the principal, and the Superintendent or his or her designee. The decision of the hearing officer will be final and will constitute the decision of the Board of Education unless either party should appeal the decision to the Board of Education. In any case where the hearing officer finds that the student has committed an act of physical violence as that term is used in O.C.G.A. 20-2-751.6, any recommendation of the hearing officer as to when and whether the student may return to school in accordance with the code section will constitute the decision of the Board of Education unless there should be an appeal of the decision to the Board.
7. In the event a student or his/her parent does not wish to contest the charge(s) of violations) of the discipline rules of the school's code of conduct for which a disciplinary hearing has been requested, the student and parent may voluntarily accept the consequences prescribed by the school by signing a Waiver of consequences prescribed by the school by signing a Waiver of Disciplinary Hearing form. Such waiver will specify the rule violation, the date and description of the incident, the prescribed consequences, and an agreement by the student and the parent or guardian to waive the opportunity to participate in a hearing, present evidence, cross-examine witnesses, and be represented by an attorney. The decision to waive the hearing will be final and cannot be appealed by the school or family. The waiver must be signed by the student, a parent or guardian, a school administrator, and the Assistant Superintendent of Student Affairs, who has the authority to approve the disciplinary consequences set forth in the waiver.
8. Any party may appeal the decision of the hearing office to the Board of Education by filing with the Superintendent a written notice of appeal within twenty days from the date the decision is rendered. Such notice of appeal will set forth the decision of the hearing officer and the basis of the appeal. Any decision of the hearing officer not appealed in this manner will be final. The Superintendent may

suspend the disciplinary action imposed by the hearing officer pending the outcome of the appeal.

9. The Board will review the record of the hearing before the hearing officer, the decision of the hearing officer and the notice of appeal and will render its decision in writing within ten days, excluding weekends and public legal holidays, from the date it receives the notice of appeal. The decision of the Board of Education will be based solely on the record before the hearing officer and the Board will 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 officer and the Board may change the punishment, in accordance with state law. Any decision of the local Board may be appealed to the State Board of Education by filing an appeal, in writing, within thirty (30) days after the local Board renders its decision.
10. Any student subject to a disciplinary hearing who withdraws from the School System prior to the hearing must appear before a hearing officer to determine the student's eligibility to return to the District in the event the student ever seeks to return to the District. Alternatively, the District may, in its discretion, proceed with the disciplinary hearing in accordance with board policy despite the student's withdrawal from school.
11. If a student is expelled from a school system, the Superintendent or his or her designee has the right to deny reenrollment in the District or to place the student in an alternative education setting.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Note: *The State of Georgia requires acceptance of Terms and Conditions before reviewing the code. To 'accept' click here: [State of Georgia Terms and Conditions](#) After accepting, return here and click on the links below to be taken to each specific code. You should only have to do this one time per session.*

State Reference	Description
O.C.G.A. § 20-2-751	Definitions
O.C.G.A § 20-2-751.1	Expulsion and disciplinary policy for students bringing weapons to school
O.C.G.A 20-02-0752	Establishment of disciplinary hearing officers, panels or tribunals; rules and regs
O.C.G.A 20-02-0753	Tribunal following allegations of assault and battery or suspension exceeding 10 days
O.C.G.A 20-02-0754	Tribunal procedures

O.C.G.A 20-02-0755	Authorization of disciplinary officer, panel or tribunal
O.C.G.A 20-02-0756	Reports to law enforcement officials
O.C.G.A 20-02-0757	Applicability of public inspection and open meeting laws
O.C.G.A 20-02-0758	Legal actions not prohibited
O.C.G.A 20-02-0759	Children in K-5 (repealed)
O.C.G.A 20-02-1160	LBOE tribunal power to determine local school controversies; appeals; special ed provisions
O.C.G.A 15-11-0002	Definitions-juvenile code
Rule 160-4-8-.15	Student Discipline

Federal Reference

20 USC 7961

Description

[Gun-Free Schools Act](#)