

## Hearings Before the Board

*Policy Code:***2500**

The Guilford County Board of Education 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.

Unless other hearing processes are required by law or board policy, the following procedures will apply in personnel and student hearings before the Board. The Board reserves the right to modify the procedures described in this policy 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 appropriate.

1. The Board will conduct hearings by panels of three (3) board members unless otherwise required by law. For purposes of this policy, a panel of three board members constitutes the Board and the hearing is an official meeting of the Board.
2. A hearing schedule will be posted in accordance with applicable law. Board members will be assigned to panels on a rotating basis as schedules permit and as circumstances necessitate. Board members will not discuss the substance of a hearing prior to the hearing and will take responsibility for ensuring that they do not have a conflict of interest prior to participating in the hearing.
3. The Superintendent will designate a hearing officer who will be responsible for coordinating hearing times, securing locations, arranging for recording, sending notices, and providing relevant documentation as further described in this policy (the "GCS Hearing Officer").
4. Hearings will be open to the public unless a closed session is permitted by law. Hearings related to employment action, student discipline, student or employee grievances, student assignment, or any other subject in which confidential student or personnel information will be discussed will typically be heard in closed session to prevent the disclosure of confidential information. The Board will consider requests made by a parent, student or employee to conduct a hearing in open session that is permitted by law to be held in closed session. However, the Board will make the final determination of whether a hearing will be held in open or closed session.
5. The GCS Hearing Officer is responsible for providing sufficient notice of the time and place that a hearing will be held and the nature of the hearing that will be available. In order to resolve complaints expeditiously, board hearings will be scheduled as promptly as possible and notice given to the parties.
6. Individual hearings will be held unless the Board Chair 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 a similar concern or are involved in the same matter to be heard by the Board, the Board Chair may consider whether to conduct a group hearing. The Board Chair will make the final determination on whether to hold an individual or group hearing.
7. The GCS Hearing Officer is responsible for providing access to the administrative record to all parties and the Board prior to the hearing. Redactions may be made to the

- administrative record provided to the parties in accordance with applicable law. The Board and the parties are required to maintain the confidentiality of the administrative record.
8. All parties involved in the hearing may submit written position statements. Written statements must be submitted to the GCS Hearing Officer at least three calendar days before the hearing unless otherwise specified and they will be provided to the Board panel at the hearing.
  9. The Board will allow oral presentations by the parties themselves or by their representatives. Oral presentations will be limited to no more than ten (10) minutes.
  10. Any individual intending to be represented by legal counsel must notify the superintendent or designee in advance of the hearing so that the administration has the opportunity to be represented by legal counsel. If necessary, the meeting may be rescheduled to enable the administration to secure appropriate legal counsel for the hearing.
  11. Legal rules of evidence 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.
  12. In reviewing any appeal of a decision by school personnel, the Board will determine whether the administrative record as a whole provides sufficient evidence to justify the final administrative decision. New evidence will not be permitted unless necessary to prevent a threat of substantial unfairness. The Board will consider only the information presented to it in the administrative record and at the hearing in making its decision.
  13. The GCS Hearing Officer is responsible for making a record of the hearing. The GCS Hearing Officer will 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.
  14. The Board will strive to notify the parties of its decision no later than 10 calendar days after the hearing.

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

Cross References: Prohibition Against Discrimination, Harassment, and Bullying ([1710/4020/7230](#)), Nondiscrimination on the Basis of Sex (policy [1725/4035/7236](#)), Student/Parent Complaints and Grievances (policy [1740/4010](#)), Employee Complaints and Grievances (policy [1750/7220](#)), Compliance with the Open Meetings Law (policy [2320](#)), Student Discipline (policy 4300), Teacher Contracts (policy [7410](#)), Dismissal, Demotion, or Suspension of Non-contract Employees (policy [7940](#))

Adopted: [date]