

# **Tapestry Public Charter School Policy Manual**

## **Student Disciplinary Tribunal Policies**

Adopted: 2/8/2016

Revised:

The Tapestry Public Charter School Board adopts the following policy, effective on the date of adoption by the Board.

<b>Sections:</b>	<b>I. PURPOSE</b>
	<b>II. TAPESTRY STUDENT DISCIPLINARY TRIBUNAL</b>
	<b>III. PROCEDURES</b>
	<b>IV. APPEAL</b>
	<b>V. WAIVER OF STUDENT DISCIPLINARY HEARING</b>

---

### **I. PURPOSE**

Tapestry Public Charter School due process hearings are conducted by the Tapestry Student Disciplinary Tribunal which hears evidence concerning charges of student misconduct, and if proven, may require consequences greater than a nine school-day suspension.

### **II. TAPESTRY STUDENT DISCIPLINARY TRIBUNAL**

The Tapestry Student Disciplinary Tribunal has the authority to consider a Principal's recommendation of a long-term suspension of greater than ten (10) days or expulsion of any student found to have violated the Code of Conduct. If a hearing is called, the student will be suspended from school until the hearing can be held. The hearing should be held no later than ten (10) school days after the beginning of the suspension unless the parent and school mutually agree to an extension or the conduct of the student or parent causes a delay beyond said ten-day period. Prior to the hearing, students and parents will receive a notice to include the following:

1. The rules or policies which the student has allegedly violated.
2. A description of the student's acts.
3. The names of the witnesses who may testify against the student (witnesses may be added prior to and during the hearing).
4. The maximum punishment that the student could receive.
5. The time and place for the hearing.
6. That the student is entitled to request witnesses to be present at the hearing and the student will have the right to present evidence, examine any and all witnesses presented and have an attorney, at the hearing, students and parents will have the right to present witnesses and evidence, to examine any and all witnesses presented, and to have an attorney, at the parent's expense, to represent the student.

At the hearing, students and parents will have the right to present witnesses and evidence, to examine any and all witnesses presented, and to have an attorney, at the parent's expense, to represent the student. The decision of the Tapestry Student Disciplinary Tribunal may be appealed by submitting a written notice of appeal to the Tapestry Principal within twenty (20) calendar days from the date the decision is made. The appeal should be sent to the attention of the Principal.

### **III. PROCEDURES**

The Tapestry Student Disciplinary Tribunal shall be comprised of a chair, who is an attorney or an individual with relevant experience, and two additional members who are current or former educators in the state of Georgia. A student disciplinary hearing is formal, although the strict rules of evidence as applied in a court do not apply in a disciplinary hearing. The Tapestry Student Disciplinary Tribunal will determine the innocence or guilt of a student accused of violating the DeKalb County Student Code of Conduct. Although the school has the burden of establishing guilt, the student should be prepared to present evidence and witnesses to support their innocence. The Tapestry Student Disciplinary Tribunal will make a verbatim record of any information orally presented at the hearing. All statements and documentary evidence shall be kept on file by the Principal or designee for 3 years after the student is no longer at the school. Testimony and other evidence will be recorded by appropriate means.

All parties shall be afforded an opportunity to present and respond to evidence and to examine and cross-examine witnesses about any matters logically relevant to the charge against the student. The Tapestry Student Disciplinary Tribunal may limit unproductively long or irrelevant questioning. The parents or legal guardian of the student and any victims may give testimony at the hearing and make a statement to the Tapestry Student Disciplinary Tribunal concerning their feelings about the proper disposition of the case and to answer any questions. The student may be represented by counsel at the student's expense at the hearing. If parents intend to be represented by counsel at the disciplinary hearing, the parents must notify the school two (2) working days prior to the start of the hearing so that the school may elect to retain legal counsel to represent its interests.

All student disciplinary proceedings and hearings conducted by either the Tapestry Student Disciplinary Tribunal shall be kept confidential as permitted by applicable law. Any written records, transcripts, exhibits or other documents assembled or used in any manner with regard to the conduct of any student disciplinary hearing are not public records and are not subject to public inspection. The Tribunal shall issue its decision within fifteen (15) calendar days after the hearing is held.

### **IV. APPEAL**

When a hearing is appealed, the Tapestry Board of Directors will review the record of the hearing, make a decision based solely on the record, and notify students and parents, in writing, of the Board's decision. The decision of the Board will be based solely on the record created during the hearing. The Board will not consider any new evidence or hear any oral arguments; however, written arguments concerning the merits of the appeal may be submitted. The Board will make its decision in Executive Session after receipt of the written notice of appeal. The Board has the power to affirm, reverse, or modify the student disciplinary tribunal's decision. The Board will issue its decision within ten (10) working days after the appeal is filed.