

**SCHOOL BOARD HEARING PROCEDURE  
FOR LONG-TERM SUSPENSION AND EXPULSION  
AMHERST, MONT VERNON AND SOUHEGAN SCHOOL DISTRICTS**

The principal is authorized to suspend pupils for a period not to exceed 10 school days. The superintendent is authorized to continue the suspension of a pupil for an additional 10 days. Long-term suspension lasting more than 20 school days and expulsion from school shall be by final action of the school board.

**STEP 1: HEARING NOTICE**

The Superintendent shall submit the following information to the school board chairman and the student's parents or guardian at least 5 workdays prior to the scheduled hearing:

- a. Statement of charge.
- b. Summary of evidence.
- c. Witnesses which may be called.
- d. Superintendent's recommendation regarding length of school suspension or expulsion.
- e. Date and time for formal due process hearing before the school board.

**STEP 2: HEARING PROCEDURE**

The following procedure shall apply:

- a. The student, together with a parent or guardian, may waive the right to a hearing and admit to the charges made by the superintendent. If the student is 18 years of age or older, the concurrence of a parent or guardian shall be unnecessary unless the student is subject to a guardianship which would prevent the student from waiving the right to a hearing; moreover, when a student reaches the age of 18, he or she becomes an "eligible student" and rights under the Family Educational Rights and Privacy Act (FERPA) transfer to that student. However, parents retain access to their child's school records so long as the child is their dependent for tax purposes.
- b. The hearing shall be either public or private and the choice shall be that of the student or his or her parent or guardian.
- c. In cases which involve handicapped students, the procedures mandated by federal and state law for handicapped students shall be followed.

A written (not necessarily verbatim) record shall be made of the hearing proceedings demonstrating that a decision was based on the evidence. A copy of this record shall be made available to the parent or guardian as well as to the student who is 18 years of age

or older upon request. No stenographic services or transcripts of the hearing shall be provided. However, either party may request that the proceedings be tape recorded, and the school board shall provide for the same. Stenographic services may be utilized at the expense of the requesting party.

- d. Both parties may be represented by counsel at the hearing.
- e. All witnesses except the parties principal to the action shall be sequestered from hearings held in public and non-public session and shall be allowed to enter the session only for the purpose of testifying, and upon conclusion of the testimony shall immediately leave the hearing room. All testimony shall be under oath or affirmation.
- f. The school administration or its representative shall present their case through an opening statement, exhibits, and the calling of witnesses.
- g. After the school administration has presented its case, the student or his or her representative shall present their case through an opening statement, exhibits, and the calling of witnesses.
- h. Each party shall be afforded the opportunity to examine each witness immediately following the direct testimony; however, arguing with the witness is not permitted.
- I. Members of the school board may ask questions of the witnesses during or subsequent to direct or cross examination.
- j. School administrators have the primary responsibility and particularized knowledge to investigate the incident(s) and to determine the reliability of the witnesses and the evidence. In certain cases when it is necessary to protect the safety and anonymity of witnesses, the school administrators may present the testimony of said witnesses.
- k. The student may speak in his or her own defense and may be questioned on the testimony, or the student may choose not to testify. However, if the student chooses to speak he or she is subject to cross-examination by school administrators.
- l. Each party shall offer such evidence as it desires, but irrelevant, immaterial, or unduly repetitious evidence shall be excluded. Each party shall produce such additional evidence as the school board may deem necessary to an understanding and determination of the issues and facts. The school board shall determine the relevance and materiality of the evidence offered. Strict conformity to legal rules of evidence shall not be necessary.
- m. The school board may receive and consider the evidence of witnesses by sworn statement, but shall give it only such weight as they deem it entitled to after consideration of any

objections made to its admission. Exhibits, when offered by either party, may be received in evidence by the school board.

- n. Rebuttal evidence may be presented by either party, limited to evidence previously submitted by the other party.
- o. After all the evidence is submitted, the school administration shall be afforded the opportunity to present a short summary of the case to the school board, followed by the same opportunity for the student and his or her representative.
- p. The chairman of the school board shall promptly notify the parties of the decision and the essential findings of the fact upon which it was based, at the addresses provided, by certified mail, return receipt requested.
- q. In all cases, appropriate adjustments shall be made to account for the age and grade level of the student being disciplined.

### STEP 3: HEARING DECISION

- a. The decision of the school board shall be based on a full and fair consideration of the evidence presented at the hearing that the accused student committed the act for which long-term suspension or expulsion is to be imposed and that such acts are, in fact, a proper reason for long-term suspension or expulsion.
- b. The decision will be sent to the address provided and shall include the legal and factual basis for the decision, a statement of the time period the student is suspended or expelled, and any action the student may take to be restored by the board. In addition, the student will be notified of the right to appeal the expulsion decision of the local school board to the state board of education under RSA 193:13, II or III; and that any appeal must be filed with the Commissioner of Education within 20 calendar days of receipt of the written decision of the local school board.