

DUE PROCESS

The School Board mandates that all students shall be treated fairly and honestly in resolving grievances, complaints, or in the consideration of any suspension or expulsion. Due process shall be defined as fair and reasonable approaches to all areas of student grievance and discipline on the part of all school officials in order not to arbitrarily deny a student the benefits of the instructional process.

Basically, due process requires the school administration to impose fundamentally fair procedures to determine whether misconduct or other improper action has occurred before any disciplinary action may be taken by the school administration, except in the case of imminent danger or disruption of the academic process. In these instances, proper procedures shall be put into effect as soon as removal of the student has occurred.

Upon being sent to the principal's office the principal or his designee shall advise the pupil of the particular misconduct of which he is accused as well as the basis for such accusation. At this time, the pupil shall be given an opportunity to explain his/her version of the facts. The principal or his designee then shall conduct a counseling session with the pupil as may be appropriate to establish a course of action to correct the behavior for which the pupil is being disciplined.

Prior to any suspension, the school principal, or his designee, shall contact by telephone or send a certified letter to the parent, tutor, or legal guardian of the pupil giving notice of the suspension or expulsion. The reasons for the suspension would be noted and establishing a date and time for a conference with the principal as a requirement for readmitting the pupil. In case of expulsion, the contact with the parent shall include a certified letter. If the parent, tutor, or guardian fails to attend the required conferences within five school days of mailing the letter or other contact with the parent, the truancy laws shall become effective. On not more than one occasion each school year when the parent, tutor, or legal guardian refused to respond, the principal may determine whether readmitting the pupil is in the best interest of the student. On any subsequent occasions in the same year, the pupil shall not be readmitted unless the parent, tutor, legal guardian, court, or other appointed representative responds.

In any case where a parent, tutor, or legal guardian of a pupil who is under the age of eighteen and not married is required to attend a conference regarding the pupil's behavior and the parent willfully refuses to attend, the principal shall file a complaint with a court exercising juvenile jurisdiction, pursuant to children's Code Article 730(8) and 731. The principal may do this anytime when in his judgment, doing so is in the best interest of the pupil.

The full protection of procedural due process shall be afforded any student facing possible long-term suspension or expulsion. In both of these situations, the Board may follow an adversary type procedure with legal counsel permitted, cross-examination, transcribed record of the hearing, and related safeguards.

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