



Brookhaven Innovation Academy Board of Directors
Agenda
Special Meeting: November 12, 2016 at Brookhaven Kroger
3871 Peachtree Rd, Brookhaven, GA 30319
9:00 am

1. Call to Order
2. Approval of Agenda
3. Old Business:
 - a. Discipline Policy (action item)
4. Public Participation
5. Adjourn

BROOKHAVEN INNOVATION ACADEMY

POLICY - DISCIPLINARY HEARING

A student may be referred for a Disciplinary Hearing for determination as to whether a long term suspension or expulsion is appropriate as defined in the discipline policy. A long term suspension means denial to a student of the right to attend school and take part in any school function for any period of ten (10) school days or more. Expulsion shall mean removal of the student from enrollment at the School for the remainder of the school year or longer.

A long term suspension or expulsion will normally follow a short term suspension. There are exceptions, however, that could prompt the school administrator to move forward with the immediate dismissal of a student. Examples of such violations include, but are not limited to, bringing a weapon to school, assault on a student or school personnel, or other chargeable offenses.

A decision to impose a long term suspension will be the result of a Disciplinary Hearing before an independent hearing officer(s). The purpose of the Disciplinary Hearing is to receive and evaluate testimony and other evidence concerning the disciplinary violation. The school principal or his/her designee will present the case for suspension or expulsion to the Hearing Officer(s). In order for a long term suspension or expulsion to take place, the following steps must be taken:

- (1) The school administrator recommending the long term suspension or expulsion will furnish to the Hearing Officer(s) a written statement of charges against the student, accompanied by any supporting statements or other relevant evidence identified in the tribunal dossier discussed below;
- (2) The administrator shall notify the student and his/her parent or guardian of the recommendation for long term suspension or expulsion; and
- (3) The Hearing Officer(s) shall notify the student and his/her parent or guardian with the following information:

Written Notice of Hearing: The notification shall include the following:

- a. A brief statement of the act(s) student is alleged to have committed, along with the portion of the Code of Conduct allegedly violated.
- b. The maximum penalty which may be administered for the alleged misconduct, and a recommendation for discipline.
- c. A copy of this document.
- d. The date, time and place of the hearing.
- e. The names of witnesses expected to be called at the hearing and a short summary of evidence that may be presented.
- f. A statement that a hearing is required unless the parent/guardian/student 18 years old or older waives the hearing.
- g. A statement that at the hearing the student is entitled to be represented by an advocate (spokesperson) of his/her choice, including an attorney if so desired; and that the student may subpoena witnesses and utilize other compulsory process upon request.

h. A statement that all parties are afforded an opportunity to present and respond to evidence and to examine and cross-examine witnesses.

Delivery of Notification: The notice of hearing shall be delivered to the student and his/her parent/guardian either in person, by first class mail, certified mail return receipt requested, and/or delivery confirmation, to the last known address of the parent or guardian. If notice is delivered in person, a written confirmation of delivery should be obtained by the person delivering the notice to the parent/guardian. Service shall be deemed to be perfected when the notice is deposited in the United States mail with sufficient postage addressed to the last known address of the parent/guardian.

Disciplinary Hearing

Within ten school days after the beginning of the suspension, unless the parties mutually agree to an extension, the Hearing Officer(s) will meet at the appointed time and place to review the case. As this time, the school administrator will present the facts of the case against the student as well as the reason for the recommendation. The student, parent or guardian, or other appointed representative present for the hearing will be able to ask questions and present arguments against the recommendation.

At the conclusion of the hearing, the Hearing Officer(s) will determine if the accused student has violated the School's Disciplinary Policy. The Hearing Officer's decision will be based solely on the evidence presented at the hearing. If the Hearing Officer determines that a student has committed a disciplinary violation, he/she may impose a range of sanctions that include reinstatement into school to permanent expulsion, as long as the sanction complies with the school's established policies.

The Disciplinary Hearing is a closed and confidential proceeding. Friends or relatives of the students or other members of the public who are not witnesses will not be allowed in the hearing room. Any representative(s) of the family other than the student and parent or guardian must be approved by the principal in advance. If a family wishes to bring a lawyer, they must notify the principal in advance so that the school can ensure its legal counsel is present.

Appeal

Once the Hearing Officer has informed the school administration of the decision, the school administration will immediately inform the family and mail a letter of decision to the family.

Once a decision has been rendered, the student may appeal directly to the School's Board of Directors. To do so, he/she must inform the school administration of the intent to appeal within ten working days of the date of the Hearing Officer's decision. The school administrator will supply all records from the previous hearing including, if available, written statements, minutes and audio recordings of the Disciplinary Hearing. The Board of Directors will evaluate all information and will make a decision solely on the facts presented in the record from the hearing. The student and the school administrator may provide a written statement identifying any reasons why they believe the Hearing Officer's decision was valid or invalid based on the evidence presented at the Disciplinary Hearing. There will not be an opportunity for additional testimony or argument. The Board will render its decision within 20 working

days of receiving the appeal. Once the Board renders a decision on the appeal, the school administration will immediately mail a letter of decision to the family.

Tribunal Dossier Checklist

- ___ Administrator's summary statement describing:
 - ___ Chronology of the incident(s)
 - ___ How it rose to the level of long term suspension/expulsion consideration

- ___ Detailed report of current incident including:
 - ___ Witness statements (with other students' names redacted)
 - ___ Overview of situation
 - ___ Steps taken to resolve the incident
 - ___ Communication with parent/guardian
 - ___ Any follow up actions taken

- ___ Full discipline file from the time of student's enrollment (with other students' names redacted)

- ___ Student's Individualized Educational Plan or 504 Plan and record, if one exists.*

- ___ Student's counseling/social work file, if one exists.

- ___ File of the student's SST plan, if one exists

- ___ Existing school disciplinary policy

- ___ Copy of Written Notice of Hearing and Receipt Confirmation

This checklist is a guide. Depending on the situation, it is possible that there could be more information or less information presented. The intent is to provide any and all evidence and student history at the Disciplinary Hearing to ensure the student is given proper due process.

**** If student has an IEP, a Manifestation Determination Review should be performed prior to holding this hearing to determine whether the behavior was a manifestation of a disability.***