

DUE PROCESS PROCEDURES

**Adopted on March 10, 2016 Last Reviewed on May 11, 2020 Last Revised on May 11, 2020**

The Governing Board of Westside Atlanta Charter School (“Board”) adopts the following policy, which shall be effective on that date that the policy is adopted by the Board.

SECTION 1. Purpose and Policy Statement

The School’s discipline procedure contained in the Discipline Policy sets out student expectations for student behavior. In general, discipline is designed to correct a student’s misconduct and to encourage the student to be a responsible citizen of the school community. When punishment must be administered, this due process policy ensures that the student has an opportunity to be heard at a hearing, that any recommended discipline is fair and that it serves the best interests of all the children in the School.

SECTION 2. Due Process

SECTION 2.1. Informal Due Process Hearing

An Informal Due Process Hearing (“Informal Hearing”) is held before a student is given in-school suspension, out-of-school suspension, or bus suspension. If the in-school, out-of-school, or bus suspension is for 10 school days or less and no further disciplinary action is to be sought or taken, no further hearing will be held.

SECTION 2.1.1 At the Informal Hearing, the student is informed verbally of the offense with which he/she is charged, who made the charge(s), who witnessed the offense, and what disciplinary action is proposed to be taken. The student is provided with an opportunity to tell his/her side of the story. The student’s parent/guardian is usually not present for the informal hearing, but will be contacted if disciplinary action is taken. Witnesses (when applicable) are asked to submit written accounts of the incident as soon as possible after the incident.

SECTION 2.2 Formal Due Process Hearing

A Formal Due Process Hearing (“Formal Hearing”) is held before an independent Formal Hearing officer who is appointed by the School Executive Director/Principal or Dean of Curriculum (each referred to herein as “School Administrator”) to hear and decide the case.

SECTION 2.2.1 The student and parent(s) or guardian(s) are provided written notice of the hearing. Such notice shall include the charges that will be heard at the hearing, the witnesses who will testify and a brief statement of evidence to which they will be testifying, the maximum penalty that may be imposed, the date, time and location of the hearing, a statement that the student may obtain legal counsel at his or her expense and a statement that all parties are afforded an opportunity to present and respond to evidence and to examine and cross-examine witnesses at the hearing.

SECTION 2.2.2. The student’s parent(s) or guardian(s) are encouraged to attend the Formal Hearing; however, if the right to attend is waived, the hearing will proceed without them. Parent(s) or guardian(s) may consult legal counsel (at their own expense).

SECTION 2.2.3. At the Formal Hearing, the school administrator will present the facts of the case against the student as well as the reason for the recommendation. At the Formal Hearing, the student, parent or other appointed representative will be given an opportunity to present his/her version of the facts; offer the testimony of witnesses; introduce other relevant information and evidence; question witnesses in a respectful manner; and observe all evidence offered.

SECTION 2.2.4 The Formal 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.

SECTION 2.2.5. The hearing officer’s determination of guilt or innocence and the discipline to be imposed shall be based solely upon the evidence presented at the hearing. Evidence of the student’s previous behavior may be presented to prove a violation of probation and/or repeated violations of the school policies. In addition, evidence of the student’s academic and disciplinary record may be considered in connection with determining the appropriate punishment.

SECTION 2.2.6. At the conclusion of the hearing, the hearing officer will determine if the accused student has violated the School’s Disciplinary Policy. If the hearing officer determines that a student has committed a disciplinary violation, he/she may impose a range of applicable sanctions that include reinstatement into school to permanent expulsion, as long as the sanction complies with the school’s established policies.

SECTION 2.2.7. The hearing officer’s decision shall be made within 24 hours after the hearing. The student and parent(s) or guardian(s) shall be informed of the hearing officer’s decision in writing and shall be informed of their right to appeal an unfavorable decision to the Board.

SECTION 2.3. The student’s parent(s) or guardian(s) may appeal the hearing officer’s decision to the Board by submitting a written request for review to the Executive Director/Principal. This request must be made within fourteen (14) calendar days of the decision of the hearing officer.

SECTION 2.3.1. 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 within ten (10) working days after receipt of the written notice of appeal. The Board has the power to affirm, reverse or modify the Formal Hearing decision. The Board’s decision will be final, unless an appeal is made to the Atlanta Public Schools Board of Education or the State Board of Education as permitted by their respective policies and/or state or local law.