

**#5090.1**  
**Student Due Process Rights**

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The constitutional rights of individuals assure protection of due process of law.

- The hallmark of administrative authority will be fairness;
- Every effort will be made by administrators and faculty members to resolve problems through effective utilization of the school district's resources in cooperation with the student and his or her parent or guardian;
- In cases where these policies, state law or any regulations adopted pursuant to these policies require a hearing, a student must be given an opportunity for such a hearing;
- The hearing authority designated by the Board may request the student and parent or guardian to attempt conciliation first, but if the student and parent or guardian decline this request the hearing authority will schedule the hearing as soon as possible; and
- In the event of a suspension, no student shall be suspended without an informal hearing by the administration at which the student will be informed of the reasons for the suspension and be given an opportunity to explain the situation. In the event of an emergency, the student may be suspended and a hearing held thereafter, as provided by law. However, if the circumstances and state law require, a formal hearing shall be held.
- In the event of an expulsion, a student shall have a right to a hearing as provided by law.

Grievance procedures shall be available for students to receive prompt and equitable resolution of allegations of discriminatory actions on the basis of race, color, national origin, sex, and handicap.

**Legal Reference:**

Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969)  
Grayned v. City of Rockford, 408 U.S. 104 (1972)

Amendment of U.S. Constitution - Article I.  
Connecticut Constitution, Article First, Declaration of Rights, Sections, 4, 5  
Academic Freedom Policy (adopted by Connecticut State Board of Education  
(9/9/81)

### Connecticut General Statutes

10-221 Boards of Education to prescribe rules  
P.A. 94-115 An Act Concerning School Searches (Effective 10/1/94)  
New Jersey v. TLO, 469 U.S. 325; 105S CT 733  
20 U.S.C. 1681 – Title IX of the Educational Amendments of 1972  
34 C.F.R. Part 106 Title IX of the Educational Amendments of 1972

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