

**Policy JCAA: Due Process**

**Status:** DRAFT

**Original Adopted Date:** Pending

**Due Process**

The superintendent of schools and the principal of a school shall have the power to suspend or expel a pupil for good cause, including misconduct in the school or on school property, as defined in the Mississippi Code §37-11-29, on the road to and from school, or at any school-related activity or even when such conduct by a pupil, in the determination of the superintendent or principal, renders that pupil's presence in the classroom a disruption to the educational environment of the school or a detriment to the best interest and welfare of the pupils and teacher of such class as a whole, or for any reason for which such pupil might be suspended, dismissed or expelled by the school board under state or federal law or any rule, regulation or policy of the school district.

A student who has been suspended for more than ten (10) days or expelled has the right to due process. All aspects, circumstances and records of the student's case shall be confidential and available only to authorize school officials dealing directly with the student or the student's parent(s), legal guardian(s) or attorney(s) or the Board of Education. The following procedures provide notice and opportunity to be heard in such matters.

For any suspension of more than ten (10) days or expulsions, a student shall have the right to:

- A due process hearing
- Representation by legal counsel
- The opportunity to review the evidence presented by the district prior to the hearing, and
- The opportunity to cross-examine witnesses presented by the district.

The student and the student's parent, legal guardian or person in custody of the student may appeal suspension of ten (10) or more days and expulsions to the District Discipline Appeal Committee. The standard of proof in all disciplinary proceedings shall be substantial evidence. The parent or guardian of the student shall be advised of this right to a hearing by the appropriate superintendent or principal and the proper form shall be provided for requesting such hearing. The notice of appeal shall be submitted to the superintendent's office, in writing, within five (5) days of any notice of suspension and/or expulsion. Failure to request a hearing within five (5) days of notice shall constitute a waiver of the right to appeal and result in the recommendation of the principal being final without further hearing.

All consideration of student disciplinary actions shall be conducted in accordance with the standard board procedure. All decisions of the board shall be final.

The superintendent or designee shall establish procedures for informal and formal hearing consistent with this policy.

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