

Students

Vandalism, Theft and Graffiti

The following procedures shall govern the pupil's rights to due process in matters arising under the terms of Policy 5131.5:

- A. A hearing shall be held within 20 school days of the date on which the school principal or other school official notifies the adult pupil or the minor pupil's parent or guardian of the pupil's liability for the damages or injuries. The pupil or the pupil's parent or guardian may request in writing that the hearing be postponed if such request is made at least five calendar days prior to the date set for the hearing. In the event that compliance with these time limits is impracticable under the circumstances, the hearing may be delayed for good cause up to five additional school days. An adult pupil or the parent or guardian of a minor pupil may also waive their right to a hearing by submitting written request to the district that no hearing be held.
- B. Written notice of the hearing shall be forwarded to the adult pupil or parent or guardian of the minor pupil at least 10 calendar days prior to the date of the hearing. The notice will include the date and place of the hearing, a statement of the specific facts upon which the allegation of liability is based, a copy of all the rules of the district which pertain to alleged liability, and the opportunity of the pupil or pupil's parent or guardian to appear in person or be represented by legal counsel at their expense, inspect and obtain copies of all documents to be used at the hearing, confront and question all witnesses who testify at the hearing, confront and question all witnesses who testify at the hearing, question all other evidence presented, and present oral and documentary evidence on the pupil's behalf, including witnesses and to request a public hearing.
- C. The Board of Education shall conduct the hearing in a session closed to the public unless the pupil or pupil's parent or guardian requests, in writing, at least five calendar days prior to the date of the hearing, that the hearing be a public meeting. In either event, the Board may deliberate in closed session at the conclusion of the hearing, provided that the pupil, the parent or guardian, and their legal counsel shall be entitled to attend, but not participate in, such a closed session.
- D. In lieu of conducting the hearing itself, the Board of Education may contract with an impartial and qualified hearing officer to conduct such hearing, or the Board may appoint an impartial administrative panel of three or more certificated employees of the district, none of whom shall be on the staff of the

school in which the pupil is enrolled. Such hearing shall be completed within five school days of the date on which it commenced. The hearing officer or

administrative panel shall render its decision within three school days following completion of the hearing. The decision shall be in the form of a recommendation to the Board of Education. If the recommendation is that the pupil is liable for monetary damages, the recommendation shall be supported by findings of fact based solely on the evidence submitted at the hearing. The Board of Education may accept the recommendation as its decision or, if it so chooses, may conduct a supplementary hearing on the matter and render its own decision.

- E. Any hearing conducted under this policy shall be recorded by any appropriate means, including electronic recording, so long as a reasonably accurate written transcription of the proceedings can be made.
- F. Technical rules of evidence shall not apply, but evidence may be admitted and given probative effect only if it is the kind of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. A decision of the Board of Education finding liability for monetary damages must be supported by a preponderance of the evidence.
- G. The Board of Education shall take final action on the matter in a public meeting. Written notice of a decision finding monetary liability shall be sent to the pupil or pupil's parent or guardian and shall be accompanied by notice of the right to appeal such decision to the County Board of Education.

Rule 5131.5

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