 Form JCEB-2

**STUDENT DUE PROCESS HEARING PROCEDURES**

* The hearings are held at the Cobb County School District Office in Room 180-B during the school day.
* The hearing is conducted by a three member Hearing Panel.
* The Hearing Panel will be made up of two school administrators from across the District and the Hearing Officer, who will serve as the facilitator.
* Students may waive hearings; however, in cases where the student is alleged to have committed an act of physical threat or physical violence against a school employee, as defined by the Code of Conduct, both the employee victim and the student must waive the hearing. Therefore, if the employee does not consent to a waiver of the hearing, the student cannot waive the hearing.
* If a student does not waive a hearing, or the hearing cannot be waived by the student, the hearing will take place with or without the student’s presence.
* The hearing is a closed hearing and only the student, parents/guardians, the student’s representative (if other than the parent/guardian) and school administrations are present. If the student retains an attorney for the hearing, the School Board’s attorney will be present to present the school’s case.
* The student may be represented by an advocate, usually his/her parent/guardian. The school administration will present the case for the school.
* If the student chooses to be represented by an attorney, Student Support must be notified 48 hours in advance so that the School Board’s attorney may be present. If this timeframe is not followed, the hearing may be rescheduled to allow for the attorneys to be present.
* Witnesses for both sides will be sequestered (outside the hearing room) until testimony is allowed. Student witnesses should be provided a copy of, “Disciplinary Hearing Tips for Student Witnesses” (Form JCEB-4).
* The hearing is divided into two parts: The first part deals only with the violation and determines if the student violated the Code of Conduct as charged by the school; The second part of the hearing determines what consequence the student will receive if he/she is found to have violated the Student Code of Conduct during Part I.
* Hearings will be scheduled within 10 school days of the date of the suspension unless the parent/guardian/student over 18 years old or older requests a delay or there is a delay because of scheduling attorneys.
* Each side (student representative and administration) will be allowed to make an opening statement and present witnesses and evidence for their case. Each side, as well as the Hearing Officer and Hearing Panel, will be allowed to ask questions of all witnesses and presenters. Each side may make closing remarks during each part of the hearing
* Hearsay evidence is permitted during the hearing and each side may present statements from persons not present.
* Parents/guardians/student 18 years old or older may choose to stipulate to Part I of the hearing if there is no disagreement regarding the violation committed by the student.
* Part II will begin with the reading of the decision from Part I. If the student is found to have violated the policy, the hearing proceeds. If the student is found not to have violated the policy, the student may return to school on the next school day.
* The Hearing Panel may increase, decrease or uphold the school’s recommended discipline. Consequences for the violation of the Code of Conduct may range from the minimum allowed by the Code of Conduct to the maximum allowed for the infraction.
* All parties in the hearing will receive the decision in writing at the close of the hearing with the rights afforded the parent/guardian/student 18 years old or older for appealing to the Cobb County Board of Education.
* Decorum will be maintained throughout the hearing by all parties involved.