**Procedures for Student Due Process Hearing**

**Disciplinary Hearing Authority (DHA) Script**

Student \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date of Meeting \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

I. CALL TO ORDER

This meeting of the Disciplinary Hearing Committee for the Hollandale School District is called to order for the purpose of conducting a hearing in the matter of long term suspension. The administrator handling the suspension will be \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. This hearing is based on an appeal of the decision of this administrator and will be held and conducted pursuant to school district policy.

II. INTRODUCTION

I am \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, and as District Hearing Chair for the Hollandale School District, I will be officiating at this hearing. The committee will consider two items during this hearing. The first item is the guilt or innocence of the student. The second item is the appropriate consequence or length of suspension as is consistent with policy.

Will the principal, or designee, please state your name and position with the district?

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Position: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Will the committee members state their names and position with the district?

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Position: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Position: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Position: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Position: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Will the parents (or representative) please state your name(s) and relationship to the student? Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Relationship: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Relationship: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Will the student please state your name and grade level?

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Grade Level: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

At this time, I am requesting that both parties exchange any written documentation that the committee should consider as evidence in this hearing. Name and describe the documents.

III. TIMELINE

For the record, I will ask the school principal or designee the following questions.

1. On what date did the incident in question occur? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
2. On what date did the school inform the student of the charges and the nature of the evidence against him/her and give him/her the opportunity to tell his/her side of the story? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
3. On what date was the student issued a suspension? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
4. On what date were the parents provided actual or written notice of the student’s suspension? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
5. Is this student currently receiving special education or 504 services in the Hollandale School District or in the process of being evaluated to determine if he/she is eligible for such services? \_\_\_\_\_\_\_ (If the answer is “NO” then skip past questions 6 and 7)
6. Has a manifestation determination meeting been held since the misconduct occurred? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
7. Was the offense determined to be a manifestation of the student’s disability or the districts failure to implement the IEP? \_\_\_\_\_\_\_\_ (If “yes” then hearing must stop unless state-level zero tolerance offense)

IV. RULES

This hearing is not a court of law and the formal rules of evidence do not apply. Before we begin, I will adopt the following rules that will serve us during this hearing.

1. It shall be the responsibility of the District Hearing Chair to maintain order during the hearing, and I have the authority to remove anyone from the hearing.
2. Witnesses who are to testify will be required to remain outside the hearing room until they are called.
3. The District Hearing Chair will rule on the admissibility of the evidence.

V. TESTIMONY

1. [To school principal (or designee)] Please state the formal charge against the student listed on the suspension. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
2. [To school principal (or designee)] What is the school’s recommendation for consequence for this behavior? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
3. [To student] You have heard the charge placed against you. Do you understand what the charge means? \_\_\_\_\_\_\_\_
4. [To student] Do you admit to the charge or do you deny the charge? admit / deny

It is at this time that we will give the principal (or designee) an opportunity to present any evidence showing the student committed the charge and that the consequence recommended by the school is an appropriate length. Please do not name any other students involved by name.

At this time, we will give the student a chance to tell his/her side of the story and present evidence. Please do not name any other students involved by name.

At this time, we will give the parent (or representative) a chance to add anything regarding the charges or the length of suspension. Please do not name any other students involved by name.

We are faced with a very serious responsibility. Emotions will not play a part in our deliberation. Our decision must be based solely on the evidence presented in this hearing.

[ask student, parent(s), and school principal to leave the room]

VI. DECISION

[ask student, parent(s), and school principal to re-enter the room]

After considering all the evidence and testimony presented today, the committee has decided to affirm / reverse / modify the decision of the administrator. We find that the student is

not guilty / guilty of the charge. We find that the student shall be

\_\_\_ suspended for \_\_\_ days

\_\_\_ remanded to alternative school until \_\_\_\_\_

\_\_\_ other \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

We will provide both parties with written documentation of the committee’s decision. At this time, I providing you written notice of your right to repeal the decision of the committee to the Superintendent. Do you understand that our decision can be appealed to the Superintendent in writing within 5 working days of today?

I thank everyone for their time. This meeting is adjourned.