

INFORMATION ON SCHOOL LAW TRIBUNALS FOR PARENTS IN GWINNETT COUNTY

Any time a child is suspended for more than nine (9) days in a school year the school system is required to conduct a school tribunal. The tribunal is a formal hearing where the school must prove that the child is guilty of the accused conduct. Families have specific rights at these hearings:

The law requires:

(1) NOTICE SERVED PERSONALLY OR BY MAIL. The notice must include a ***statement of the time, place, and nature of the hearing; a short and plain statement of the matters asserted;*** and a statement as to the right of all parties to present evidence and to be represented by legal counsel;

(2) TIMELY HEARING. The hearing is held ***no later than ten school days after the beginning of the suspension;***

(3) RIGHT TO PRESENT EVIDENCE. Families have the right to ***present and respond to evidence and cross-examine witnesses on all issues.***

(4) A RECORD OF THE HEARING. A ***verbatim electronic or written record*** of the hearing shall be made and shall be available to all parties.

(5) A TIMELY DECISION. The decision will be given at the end of the hearing and in writing no later than ten days after the hearing.

TRIBUNAL HEARINGS

- All hearings are recorded electronically. The recording is an educational record that you are entitled to have a copy of.
- Hearings before a student disciplinary panel are not open to the public.
- Families can require teachers and students to testify. It is the ***responsibility of the student or parent or guardian to obtain and deliver subpoenas to the witnesses and arrange for their transportation to the hearing.***
- ***Hearsay evidence is admissible,*** however, the school cannot rely just on hearsay. There must be some direct evidence of the act in order to find the child guilty of the offense.
- Families have the right to have a lawyer with them at their own expense. You have to tell the school ***two full school days in advance*** that you will have a lawyer with you. If an interpreter will be needed, two full school days notice must be given to the local school.

IF YOU ARE REFERRED FOR A DISCIPLINARY HEARING

BEFORE THE HEARING:

1. Review the notice and make sure you understand the charges. If you do not, ask the school to give you more information about the charges.
2. Discuss the matter with your child and determine if you will contest the charges.
3. Ask for your child's educational records and all documents related to the underlying incident; **(see template for "Records Request" on website.)**
4. Identify any witnesses to the incident and invite them to appear at the hearing or prepare a written statement. If you must have them at the hearing request subpoenas from the school and deliver them to the witnesses;
5. Make copies of any documents you want the tribunal panel to review.

AT THE HEARING

1. Arrive early and notify the school that you are present;
2. Make sure your witnesses are present.
3. Listen to the hearing officer explain the process of the hearing.
4. Listen to the witnesses. You have the right to ask the witness questions that support your case.
5. Don't be afraid to speak up. If you believe the rules have been violated you must state that at the hearing by making an objection. Failure to make an objection at the hearing can affect your rights on appeal.
6. Be ready to present your evidence after the school administrator finishes the schools case. Make sure you tell the hearing officer that you want to present witnesses or documents as evidence to the matter.
7. You have the opportunity to make a statement on your child's behalf. Be prepared. Think about what you want to say. Be brief and to the point. Make sure you have said why you believe your child should not be disciplined. Thank the tribunal for their efforts.

AFTER THE HEARING

1. You will be notified of the decision at the hearing. The written notice of the decision will be sent to you by mail. The notice will state your appeal rights and the process for appeal.
2. You have twenty days to appeal the decision of the tribunal. If you do not appeal within that time, you CAN NOT APPEAL at all.
3. Your appeal must be in writing and conform to the rules stated in your appeal notice. Appeals should raise all the reasons why the decision of the tribunal was not supported by any fact presented at the hearing. Appeals may also be about the schools failure to follow the rules of the hearing.
4. If you are going to appeal, you may request that the punishment given by the tribunal be delayed until your appeal is decided. You must send a letter asking for this delay to the school superintendent.
5. Notice of appeal shall be in writing and filed in the Office of Student Disciplinary Services. ***No notice of appeal or legal arguments of the appellant may be filed later than twenty (20) calendar days from the date of the decision letter received after the disciplinary hearing.*** The Board of Education may take any action it deems appropriate, and any decision of the Board is final. The decision of the Board shall be given to all parties with ten (10) school days, excluding Saturdays, Sundays, and school holidays, from the date the Board receives the notice of appeal.

