

Provo City School District
Policy Series 3000: Students

3205 P1

Right to Due Process

The procedures for due process are designed to protect the rights of students when a disciplinary problem arises. The process is administrative, not judicial. Notification will be given to the student and the parent of the time and place for a hearing and a statement of the alleged act(s) of misconduct. The notice of offenses or charges shall state with reasonable particularity the offense or charge, shall be based upon the information known at the time the notice is issued, and may be subject to amendment upon further investigation or evidence. Due process includes the right to a hearing, the right to counsel, and the right to appeal.

Procedures for hearings and appeals of disciplinary decisions by a parent/guardian are as follows:

1. Discuss the grievance with the teacher or person at the school with whom the disagreement occurred.
2. If agreement is not reached, the parent/guardian may meet with the principal.
3. If agreement is not reached, the parent/guardian may request an informal hearing through the Office of Student Services. The request shall be in writing and within fifteen (15) calendar days of the school decision and addressed to the Provo City School District, Director of Student Services. The appeal shall be heard within ten (10) school days.
4. If agreement is not reached, the parent/guardian may submit in writing within fifteen (15) calendar days of the O.S.S. decision a request for a hearing before the Superintendent. The appeal shall be heard within fifteen (15) calendar days and the decision shall be in writing.
5. If agreement is not reached, the parent/guardian may submit in writing within fifteen (15) calendar days of the Superintendent's decision a request for a hearing before the District Board of Education. If the Board grants a hearing, it shall be in executive session. Following the hearing, the Board shall give its decision in writing.

At each stage of the proceedings, the hearing officer(s) shall conduct a *de novo* review, and shall hear the matter anew the same as if it had not been heard before and as if no decision had been previously rendered. Hearing officer(s) may receive and consider new documents, information, and witness testimony. However, upon appeal to the Board, the Board shall only consider the documents, information, and witness testimony presented at the hearing conducted by the Superintendent.

Failure to appeal to the next step in the appeals process within the time limits specified shall be deemed a withdrawal and final disposition of the matter.

Once the aggrieved party has exhausted all of the administrative remedies herein he or she may appeal to a court of law.

Approval Date:
Revised:

July 14, 1992
March 12, 2013