

2.5000 HEARINGS BEFORE THE BOARD

Legal References: G.S. 115C-36, -45(c), -47; 143-418.11

Cross References: 1.0100 Board Authority and Duties
 1.3100-4.3100 Parental Involvement
 1.7500 Grievance Procedures
 2.1220 Role of Board Members in Handling of Complaints
 2.3100 Public Participation at Board Meetings
 2.3200 Compliance with the Open Meetings Law
 3.6100 Parental Inspection and Objection to Instructional Materials

The Board is guided by generally accepted standards of fairness in establishing processes for hearings before the Bboard. Given the Board's considerable responsibilities for overseeing the educational program and operations of Falls Lake Academy, the Board also strives to be efficient in carrying out its various functions, including that of conducting hearings.

Unless other hearing processes are required by law or Board policy, the following procedures shall apply in Board hearings. The Board reserves the right to modify the procedures described in this policy as necessary in any particular hearing in order to be fair, efficient, meet legal requirements, or for any other reason the Board deems sufficient.

A. Open vs. closed hearings: Hearings shall be open to the public unless a closed session is permitted by law. The express policy of the State and this Board is to make hearings open to the public except for certain purposes specified in the Open Meetings Law.

1) Grievance appeals typically shall be heard in closed sessions in order to prevent the disclosure of confidential information. Closed sessions shall be conducted in accordance with Board policy 2.3200, Compliance with the Open Meetings Law.

2) The Board shall consider requests made by parents, students or employees to conduct a hearing in open session that is permitted by law to be held in closed session. However, the Board shall make the final determination of whether a hearing will be held in open or closed session.

B. Notification: The Board Secretary is responsible for providing sufficient notice of the time and place that a hearing will be held and the nature of the hearing that will be available. In order to resolve complaints expeditiously, board hearings shall be scheduled as promptly as possible and notice given to the parties. The Board Secretary should provide as much notice as is feasible given the particular circumstances.

C. Individual hearings shall be held unless the Board determines that a group hearing would be a more effective process for hearing and addressing the matter in question.

Where two or more individuals share the same or similar concern or are involved in the same matter to be heard by the Board, the Board may consider whether to conduct a group hearing. The Board may consider factors such as generally accepted standards of fairness, the need for efficiency, and the ability to prevent the disclosure of confidential information. The Board shall consider requests for group or individual hearings and shall make the final determination.

D. Panel hearings: Unless otherwise required by law, the Board may designate a panel of three (3) or more Board members to hear and act on behalf of the Board. The Board also may establish a panel to hear certain types of appeals, such as student disciplinary appeals or student grievances.

E. Written vs. oral statements: The Board believes that, in most instances, permitting the parties to speak before the Board enables a fair presentation of the parties' position.

- 1) All parties involved in any hearing before the Board may submit written position statements and shall be given the opportunity for a limited oral presentation. Written statements may be submitted at the hearing or in advance of the hearing unless otherwise specified.
- 2) All parties shall be given the opportunity to address the Board orally as well. The Board may establish time limitations for oral presentations for different types of hearings or may set the time limitation for a particular hearing.
- 3) Each party shall be offered fifteen (15) minutes to present his/her/their position to the Board unless a different time frame is established in the notice, applicable Board policies, or at the hearing.
- 4) The Board may limit oral presentation to be made by the parties themselves; other witnesses may be excluded.

F. Legal representation: The Board may designate types of hearings in which parties may or may not be represented by legal counsel.

- 1) Any individual intending to be represented by legal counsel must notify the Board Secretary not less than two (2) days in advance of the hearing so that there will be an opportunity to clarify whether legal counsel may be used and to provide the Board with the opportunity to be represented by legal counsel as well.
- 2) Once notified of a person's intent who is scheduled to appear before the Board to be represented by legal counsel at the hearing, the hearing may be rescheduled if necessary to enable the Board time to secure legal counsel for the hearing.

G. Legal rules of evidence do not apply with respect to hearings before the Board. The Board may consider any information that a reasonably prudent person would consider in conducting the serious affairs of a business.

H. Board's discretion: In reviewing any appeal of a decision of school personnel, the Board shall determine whether the administrative record as a whole provides sufficient evidence to justify the decision of the school official who made the decision being appealed. New evidence shall not be permitted unless necessary to prevent a threat of substantial unfairness.

The Board shall review the administrative record, including any administrative proceedings, and shall provide an opportunity for the school official whose decision is being appealed and the party contesting the decision to make limited oral presentations of their positions. The submission of documentary evidence and presentation of additional witnesses will be allowed only at the discretion of the Board.

I. Record: The Board Secretary is responsible for making a record of all hearings before the Board. At a minimum, the Board record shall incorporate the administrative record provided to the Board for review and any written documents submitted by the parties. The record shall also provide the decision of the Board and the basis for the decision if such information is required or specified in law or Board policy.