Hickman County Board of Education

	Descriptor Term:	Descriptor Code:	Issued Date:
	News Releases, News Conferences, and Interviews	**1.503**	**12/04/23**
		Rescinds: **1.503**	Issued: **11/01/21**

The release of official news from the system and schools shall be coordinated as follows:

1. The board chairman will be the official spokesman for the Board, except as this duty is delegated to others;

2. News releases which are of a systemwide nature or pertain to established system policy are the responsibility of the director of schools or a designated member of the administrative staff; and

3. News releases which are of concern to only one school or to an organization of one school are the responsibility of the principal of that particular school.

When individual board members or the director of schools express their views on any issue which is in opposition to a view expressed in board policy, they have the duty to make clear that the view expressed is not the official view of the Board or school system.

Cross References

Board-Community Relations 1.500
Board Meeting News Coverage 1.502
Crisis Management 3.203

Hickman County Board of Education

	Descriptor Term:	Descriptor Code:	Issued Date:
	Policy Development and Adoption	**1.600**	**12/04/23**
		Rescinds: **1.600**	Issued: **11/01/21**

It is the intent of the Board to develop policies which serve as guidelines and goals for the successful and efficient functioning of the schools.

The Board considers policy development its chief function, along with the provision of personnel, buildings, materials and equipment for the successful administration, application and execution of its policies.

It is the Board's intention that its policies serve as sources of information and guidance for all people who are interested in or connected with the schools.

The policies of the Board are framed and are meant to be interpreted in terms of Tennessee laws, rules and regulations of the State Board of Education, and all other regulatory agencies within our local, county, state and federal levels of government. The policies are also framed and are meant to be interpreted in terms of those educational objectives, procedures, and practices which are broadly accepted by leaders and authorities in the public education field.

Changes in needs, conditions, purposes and objectives will require revisions, deletions and additions to the policies of present and future boards.[1] The Board shall review its policies at least biennially, and update if necessary.[1]

The adoption and revision of policy is a continuous process. Proposals for new policy or changes in existing policy may be initiated in writing by any board member, any citizen or any employee of the Board.

The development of school board policy will generally follow the steps of:

- Identification of need for a new or a change in existing policy;
- Discussion of the issues and suggestion of possible approaches;
- Preparation of a draft proposed policy;
- Referral to the Policy Committee;
- Board reaction to the draft with suggested changes noted;
- Proposed policy distributed for community reaction;
- Board adoption of policy, with or without revision, at second reading; and

- Distribution of policy by director of schools.

DRAFTING

Written board policies will be drafted and periodically revised by cooperative action reflecting the efforts of board members, school administrators and staff, students, the public and legal counsel.

A member of the staff is to be delegated the responsibility to maintain the board policy reference files, to draft policy proposals as instructed by the board and director of schools to maintain the Board Policy Manual and to serve as liaison between the Board and the Tennessee Schools Boards Association.

ATTORNEY INVOLVEMENT

The director of schools shall seek the counsel of the board's attorney when there may be a question of legality or proper legal procedure in the development of a proposed policy.

STAFF INVOLVEMENT

Staff members may initiate policy proposals.

Contract provisions are not board policy. The intent of this provision is to assure that a clear distinction be made and maintained between a contract and school board policy.

The Board of Education will make the final determination on all school board policies.

STUDENT INVOLVEMENT

Any student within the district may submit proposals for new policies or changes in existing policies. All such policy proposals shall be given serious consideration. Students may also voice opinions on proposed policies submitted by others.

POLICY COMMITTEE INVOLVEMENT

All policy proposals shall be referred to the Policy Committee prior to submittal to the Board, for titling, coding and review.

A proposed new policy or policy change shall be submitted to the Board as part of the agenda.

At the presentation meeting, the Policy Committee chairman shall present the proposed policy or policy change with a recommendation. Any interested person or group shall be given an opportunity to be heard on the proposal. Following the presentation, which shall constitute the first reading, the Board may approve the proposal or refer it back to the committee for study and revision.

The approved or revised policy or policy amendment proposal shall be considered at the next board meeting. The draft shall be included as part of the meeting agenda and the Policy Committee chairman shall present the approved or revised proposal for second reading with a recommendation.

The final vote to adopt or not to adopt shall follow the second reading of the original or amended version of the proposed board policy. Adoption shall require an affirmative vote by a majority of the board members.

1. Prior to enactment, all policy proposals shall be titled and coded as appropriate to subject and in conformance with the codification system used in the Board Policy Manual by the Policy Committee.

2. Insofar as possible, each policy statement shall be limited to one subject.

3. Policies and amendments adopted by the Board shall be attached to and made a part of the minutes of the meeting at which they are adopted and shall also be included in the policy manual of the system.

4. Policies and amendments to policies shall be effective immediately upon adoption unless a specific effective date is provided in the adopted resolution.

5. It will be the duty of the director of schools periodically to review policies to determine if any need revision.

EMERGENCY PROCEDURE

On matters of unusual urgency, by an affirmative vote by a majority of the members of the Board, the Board may waive the second reading-second meeting limitation and take immediate action to adopt new or review existing policies.

DISSEMINATION

The director of schools is directed to establish and maintain an orderly plan for preserving and making accessible the policies and revisions thereto adopted by the Board of Education. Policy manuals shall be maintained in the front office at each school, central office, and with each system administrator.

Policies shall be accessible at least to all employees of the school system, to members of the Board, and to citizens of the community by way of publication on the school system website.

All policy manuals distributed to anyone shall remain the property of the Hickman County Board of Education and shall be considered as "on loan" to anyone, or any organization in whose possession they might be at any time. They are subject to recall at any time deemed necessary by the director of schools.

REVIEW AND EVALUATION

In an effort to keep its policies up-to-date so that they may be used consistently as a basis for board action and administrative decision, the Board shall review its policies on a continuing basis.

The Board shall evaluate how the policies have been executed by the school staff and weigh the results. It encourages the school staff, students, and the community to provide evidence of the policies which it has adopted.

The director of schools is given the continuing commission of calling to the Board's attention all policies that are out-of-date or for other reasons appear to need revision.

ADMINISTRATION IN POLICY ABSENCE

In cases where action must be taken within the school system where the Board has provided no guides for administrative action, the Director of Schools shall have the power to act.

Such decisions, however, shall be subject to review by action of the Board at its next regular meeting. It shall be the duty of the director of schools to inform the Board promptly of such action and of the need for policy.

SUSPENSION OF POLICIES

Any board policy or part thereof not established by law or contract may be temporarily suspended or specific exemptions provided by an affirmative vote by a majority of the members of the Board.

Legal References

1. TCA 49-2-207(a)

Cross References

Role of the Board of Education 1.101
Agendas 1.403

Hickman County Board of Education

	Descriptor Term: **Administrative Procedures**	Descriptor Code: **1.601**	Issued Date: **12/04/23**
		Rescinds: **1.601**	Issued: **11/01/21**

The director of schools is responsible for implementing board policies and for interpreting them to staff, students, and the public.[1]

The director of schools, in consultation with principals, staff members, and other persons and groups as appropriate to the topic, will develop administrative procedures as necessary to implement board policies.[2]

Within the policies and regulations of the Board and the director of schools, principals are authorized to establish rules and procedures for the staff and students of their schools.

DISSEMINATION

The director of schools is directed to establish and maintain an orderly plan for preserving and making accessible to all employees the administrative rules and regulations needed to put board policies into effect.

Accessibility to administrative rules is extended to all employees of the school district and interested citizens by way of publication on the school system website.

Legal References

1. TCA 49-2-301(b)(1)(A)
2. TCA 49-2-203(a)(2)

Cross References

Role of the Board of Education 1.101
Board-Director Relations 1.205
Policy Development and Adoption 1.600
Qualifications/Duties of the Director of Schools 5.802

Hickman County Board of Education

	Descriptor Term: **Administrative Reports**	Descriptor Code: **1.603**	Issued Date: **12/04/23**
		Rescinds: **1.603**	Issued: **11/01/21**

At each board meeting, the director of schools shall report the names of new personnel employed since the last meeting of the board of education.

The director shall make annual reports concerning conditions of efficiency and needs of the school system. Included in this report shall be information regarding employment of instructional staff as follows:

1. Number of applicants interviewed and the number employed;
2. Procedures being used to ensure that the best applicants are being selected;
3. Evidence that all non-tenured teachers were evaluated;
4. Number of non-tenured teachers;
5. Number of teachers non-renewed;
6. Percent of non-tenured teachers who scored at each level on the evaluation scale;
7. Percent of tenured teachers who scored at each level on the evaluation scale;
8. Percent of principals who scored at each level on the evaluation scale;
9. Evidence of high correlation between evaluation and productivity;
10. Percent of supervisory personnel (other than principals) who scored at each level on the evaluation scale;
11. Summary and explanation of how our school system fared on the Report Card distributed by the State Department of Education.

Board members shall be made aware of all reports prepared by the superintendent's office for transmittal to the local legislative body, the State Department of Education, or any federal agency.

Cross References

Qualifications/Duties of the Director of Schools 5.802

Hickman County Board of Education

	Descriptor Term: **School District Goals**	Descriptor Code: **1.700**	Issued Date: **07/07/25**
		Rescinds: **1.700**	Issued: **12/04/23**

The Board is charged, on behalf of the public, with the responsibility for determining the educational goals of the school system. In discharging that responsibility, the Board has addressed four primary areas: education, teachers and administrators, school environment, and operations.

It is the commitment of the Board to develop policies to implement the goals within each area. It is further the commitment of the Board to review annually and restate as necessary the goals within each area so that our programs will at all times speak directly to the stated goals.

INSTRUCTION GOALS

1. To assure that each student achieves and progresses in the basic skills of reading, writing, listening, speaking, mathematical operations and problem solving;

2. To assure that each student's interest, capacities and objectives are considered in his learning program;

3. To promote a plan for the organized improvement of school curriculum, including the articulation between elementary and secondary schools;

4. To structure the overall instructional program to provide sufficient alternatives to meet the variety of individual needs, capacities and aspirations, particularly including: individualized offerings and offering that extend the learning environment into the community;

5. To provide offerings which explore a wide range of career and service opportunities;

6. To provide an integration of academic, physical, social and emotional growth experiences for each student;

7. To assure all students multi-ethnic and multi-racial experiences within the curriculum;

8. To develop a comprehensive and articulated program for handicapped students involving maximum inclusion in regular school programs;

9. To help student's gain understanding of themselves, as well as skills and techniques in living and working with others;

10. To promote a relevant and challenging secondary school curriculum which will adequately prepare the student for his vocational goals or post-secondary education;

11. To promote the recognition of achievement in all endeavors (example, academic, athletic);

12. To provide an appropriate standard of achievement for graduating seniors;

13. To provide opportunities in the areas of fine arts, performing arts and practical arts; and

14. To provide opportunities that help students form attitudes and acquire habits needed for responsible citizenship.

GOALS FOR TEACHERS AND ADMINISTRATION

1. To provide high quality system-wide performance in the teaching of reading, writing and mathematical skills;

2. To establish minimum acceptable professional performance standards for all teachers and administrators;

3. To provide in-service training and professional growth experience for teachers and administrators;

4. To enforce procedure that foster an orderly, positive school environment; and

5. To establish and maintain an accountability system for the improvement of the instructional system.

GOALS FOR THE SCHOOL ENVIRONMENT

1. To ensure each individual a physically and emotionally safe teaching-learning environment;

2. To assure that each individual is treated with respect by all members of the school community; and

3. To have each individual in the school community know and fulfill his responsibilities with regard to safety and respect to others.

OPERATIONAL GOALS

1. To ensure every effort to secure adequate funding for the educational program in support of the goals stated above;

2. To operate within a balanced budget during the school year;

3. To develop and maintain in each school an up-to-date inventory of the furniture and equipment in the schools;
4. To develop and maintain plans for efficient utilization of all system personnel;

5. To have reported monthly to the Board of Education and the community, the status of school system operations;

6. To develop long-range plans for the efficient use of school facilities; and

7. To assure immediate communication between the superintendent or his designee and the Board of Education on critical occurrences within the school system.

In establishing these goals for the school system, the Board of Education does not intend to diminish the importance of other issues that may face the schools in the years ahead.

Cross References

Role of the Board of Education 1.101
Board Member Development Opportunities 1.204
Fiscal Management Goals 2.100
Business Management Goals 3.100
Instructional Program 4.100
Evaluations of Instructional Programs 4.702
Personnel Goals 5.100
Student Goals 6.100

Hickman County Board of Education

	Descriptor Term: **School District Planning**	Descriptor Code: **1.701**	Issued Date: **12/04/23**
		Rescinds: **1.701**	Issued: **12/07/21**

General

The Board shall develop and implement a written five (5) year strategic plan that addresses identified priority needs and provides for continuous student growth and improvement. This will be incorporated into the TISA accountability report that must be approved by the Board and filed with the Department of Education each November 1st.[2] The plan shall be updated every two (2) years and shall align with requirements of the State Board of Education.[1]

The Director of Schools shall develop necessary procedures, forms, or other measures to implement this policy.

BOARD IMPROVEMENT PLAN FOR THE DISTRICT[1]

The Board shall develop annual plans with specific goals for improving student performance and that operationalize the district's five (5) year strategic plan.

The Board shall plan an annual retreat with the Director of Schools and appropriate staff. The purpose of the retreat shall be to:

1. Review progress on the implementation of priorities, initiatives, and long-range plans;
2. Determine which goals have been achieved and whether any new efforts are needed;
3. Review major issues that may affect the school system in the future; and
4. Create an annual plan for district improvement.

SCHOOL IMPROVEMENT PLAN[1]

The principal of each school shall work with the Director of Schools to develop and implement a school improvement plan that is student focused and in support of the board improvement plan. The plan shall be updated annually and address the long-range strategic plan of the school district.[1]

Legal References

1. State Board of Education Policy 2.101; TCA 49-1-613; TRR/MS 0520-01-02-.31(8)
2. TCA 49-3-112

Cross References

Role of the Board of Education 1.101
In-Service and Professional Learning Opportunities 5.113
Qualifications and Duties of the Director of Schools 5.802

Hickman County Board of Education

	Descriptor Term: **School Attendance Areas**	Descriptor Code: **1.703**	Issued Date: **10/02/23**
		Rescinds: **1.703**	Issued: **12/07/21**

The Board shall establish school attendance areas and periodically review boundary adjustments. The director of schools shall enforce these areas as established by the Board.[1]

The primary considerations governing the establishment of a school attendance area are:

1. The educational opportunity afforded students;
2. The capacity of each school; and
3. The geographic location of each school in relationship to the surrounding student population.

Students who use transportation other than the school bus service shall be permitted to attend any school which is appropriate for their level, provided there is space, and the receiving principal approves.

Parents or guardians of a student who attends school in the zone in which the family does not reside, may request bus transportation within the zone in which the student attends.

The request must be safe and cost effective. The Transportation Director and the Director of Schools will evaluate these requests on a case by case basis.

Legal References

1. TCA 49-6-403(c)

Hickman County Board of Education

	Descriptor Term: **School Calendar**	Descriptor Code: **1.800**	Issued Date: **08/05/24**
		Rescinds: **1.800**	Issued: **12/04/23**

No later than the end of the school year, the Board will adopt, upon the recommendation of the director of schools, an official school calendar for the succeeding school year. The calendar will identify holidays, vacation days, summer sessions and other extensions of the school year. The calendar may be revised by the Board, upon recommendation of the director of schools, due to inclement weather or other factors.

The regular school year shall be 200 days[1] and scheduled as follows:

- A minimum of 180 student attendance days;
- A minimum of five (5) days in-service education for all certificated personnel;
- One (1) day for parent-teacher conferences;
- Ten (10) days paid vacation for all certificated personnel; and
- Four (4) discretionary days.
- Closed for the general and/or primary elections[2]

Extended contracts shall include twenty (20) days for each additional month employed.

The director of schools shall plan each year's program accounting for a 200-day year and shall recommend it to the Board for approval. The calendar shall be distributed to the school staff at the opening of the school term.

STUDENT ATTENDANCE DAYS

When schools are closed due to emergencies or unforeseen circumstances such as epidemics or inclement weather, the time lost shall be made up to the required minimum unless otherwise approved by the State Department of Education.

IN-SERVICE EDUCATION

Each day of in-service education included in the school calendar shall be equivalent to not less than six (6) hours of planned activities.[2]

DISCRETIONARY DAYS

Four (4) discretionary days shall be included in the calendar and may be designated by the Board as student attendance days, in-service days or administrative days, which may be used by administrators, faculty and staff for preparation for commencement of classes, record keeping, grading examinations, parent-teacher conferences and other classroom functions.[1]

Discretionary days shall be designated annually by the Board.

Legal References

1. TCA 49-6-3004(a)(1)-(6)
2. Public Acts of 2024, Chapter No. 573
3. TN Dept. of Education, *Guidelines for Planning Approvable In-Service Education Activities*

Cross References

Board Member Development Opportunities 1.204
Reporting Student Progress 4.601
Compensation Guides and Contracts 5.110
In-Service and Professional Learning Opportunities 5.113
Attendance 6.200

Hickman County Board of Education

	Descriptor Term: **School Day**	Descriptor Code: **1.801**	Issued Date: **12/04/23**
		Rescinds: **1.801**	Issued: **12/07/21**

The minimum length of the school day shall be seven (7) hours total for all grades.[1]

All teachers shall be on duty at least eight (8) hours and such additional time as the administrative organization requires.[2]

Legal References

1. TRR/MS 0520-01-02-.31(1)
2. TRR/MS 0520-01-02-.31(5)

Cross References

Staff Time Schedules 5.602
Staff Meetings 5.603

Hickman County Board of Education

	Descriptor Term: **Emergency Closings**	Descriptor Code: **1.8011**	Issued Date: **12/04/23**
		Rescinds: **1.8011**	Issued: **12/07/21**

General

The Board authorizes the Director of Schools to close schools in the event of hazardous weather, a public health emergency, or any other emergency which presents a threat to the safety of students, staff members, or school property.[1]

As soon as the decision to close schools is made, the Director of Schools will notify the public media and request that an announcement be made.

If school is not in session or is dismissed early due to snow or inclement weather, the Director of Schools in consultation with the principal(s) of the impacted school(s) shall determine if all scheduled activities in which students are involved shall be postponed or cancelled.

EMPLOYEE RESPONSIBILITIES

In the event of an emergency that requires closure of a school building, group of schools, or the entire district, the Director of Schools is authorized to continue to pay employees who are not able to physically report for duty as a result. These employees shall receive their regular wages. Such payments shall not exceed the number of days budgeted for each employee.

Legal References

1. TCA 49-6-3004(e)(1); TRR/MS 0520-01-02-.31(1)(a)(1)(i); TCA 58-2-101; TCA 49-2-214

Cross References

Emergency Preparedness Plan 3.202
Telework During Emergencies 5.1151

Hickman County Board of Education

	Descriptor Term: **Section 504 and ADA Grievance Procedures**	Descriptor Code: **1.802**	Issued Date: **12/04/23**
		Rescinds: **1.802**	Issued: **12/07/21**

The Board is committed to maintaining equitable employment/educational practices, services, programs and activities that are accessible and usable by qualified individuals with disabilities.

DEFINITION

Section 504 of the Rehabilitation Act of 1973 provides that: No otherwise qualified individual with handicaps in the United States...solely by reason of his/her handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.[1]

Title II of the Americans with Disabilities Act, 1990 provides that: No otherwise qualified individual with a disability shall be discriminated against in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training and other terms, conditions and privileges of employment.[2]

COORDINATOR[3]

The Board shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under the Americans with Disabilities Act (ADA) and Section 504, including any investigation of any complaint alleging non-compliance with the Acts or alleging any actions that would be prohibited by the Acts.

NOTICE[4]

The Board shall make available the name, office address and telephone number of the ADA/Section 504 coordinator.

Methods of initial and continuing notification may include the posting of notices, publication in newspapers and student and employee handbooks and distribution of memoranda or other written communications.

COMPLAINT PROCEDURE[5]

The coordinator will hear ADA/Section 504 complaints. Complaints shall be submitted orally or in writing to the coordinator who will endeavor to accomplish prompt and equitable resolution of complaints alleging any action that would be prohibited by the ADA/Section 504. The coordinator will respond to all complaints within twenty (20) days with a written response as well as information on further grievance procedures that may be followed if the complaining party is not satisfied with the coordinator's proposed resolution.

DUE PROCESS HEARING PROCEDURES[6]

Section 504 of the Rehabilitation Act of 1973 provides the right to an impartial due process hearing if a parent wishes to contest any action of the school system with regard to a child's identification, evaluation, and placement under Section 504. If a parent/guardian requests a Section 504 hearing, the parent/guardian has the right to personally participate and to be represented at the hearing by an attorney or advocate at the parent's expense. Contested actions or omissions that are appropriate for a Section 504 hearing should involve identification, evaluation, or placement issues involving a child who has or is believed to have a disability.

Request for Hearing

A parent/guardian who wishes to challenge an action or omission with regard to the identification, evaluation, or placement of a student who has or is believed to have a disability as defined by Section 504, shall make an oral or written request for a due process hearing to the Section 504 coordinator. The request shall be submitted on or reduced to writing on a form provided through the Central Office.

Impartial Hearing Officer

The director of schools or his/her designee shall appoint an impartial hearing officer to preside over the hearing and issue a decision. Such appointment will be made within fifteen (15) days of the date of receipt of a request for a due process hearing. The hearing officer will be hired as an independent contractor at no expense to the parent. The hearing officer that is appointed shall not be a current employee of the school system and shall not be related to any member of the Board of Education. The hearing officer need not be an attorney but shall be familiar with the requirements of Section 504 and the hearing procedures under Section 504. The choice of an impartial hearing officer is final and may not be presented as an issue at the due process hearing since such an issue would not relate to the identification, evaluation, or placement of a disabled child under Section 504. If a parent/guardian disputes the impartiality of the appointed hearing officer, he/she may raise such issue in a review of the hearing officer's opinion by a court of competent jurisdiction or in a complaint to the Office for Civil Rights.

Office for Civil Rights
U.S. Department of Education
61 Forsyth St. S.W., Suite 19T10
Atlanta, GA 30303-8927
Telephone: 404-974-9406; TDD: 877-521-2172
Email: OCR.Atlanta@ed.gov

Scheduling of Hearing

The appointed hearing officer shall set a date for the hearing within fifteen (15) days of his/her appointment and provide this information in writing to the parent/guardian and the Section 504 coordinator. The hearing shall take place at a mutually agreeable time and place.

Continuances

Upon a showing of good cause, the hearing officer, at his/her discretion may grant a continuance of the hearing date and set a new hearing date.

Legal Representation at Hearing

If a parent/guardian is represented by a licensed attorney at the due process hearing, he/she must inform the Section 504 coordinator and the appointed hearing officer of that fact, in writing, at least seven (7) calendar days prior to the hearing date, or the hearing can be continued upon the coordinator's request.

Pre-Hearing Conference

The hearing officer may order a Pre-Hearing Conference during which the parent/guardian or his/her representative will state and clarify the issues to be addressed at the hearing. The Pre-Hearing Conference will also serve to resolve preliminary matters, clarify jurisdictional issues, and answer the parties' questions regarding the hearing process. The Pre-Hearing Conference can be held via telephone or in person depending on the hearing officer's decision based on the convenience to both parties.

Dismissals

If, after the Pre-Hearing Conference, the hearing officer finds that the parent, as a matter of law, alleges and/or raises no factual claims or legal issues that come within his/her jurisdiction as a Section 504 hearing officer, he/she may dismiss the hearing and issue an order to that effect explaining the basis for such finding.

Hearing

The hearing shall be conducted in an informal, non-adversarial manner. The hearing shall be closed to the public unless the parent/guardian requests an open hearing. The hearing officer may reasonably limit testimony and introduction of exhibits for reasons or relevance.

Recording

Instead of a formal written transcript produced by a court reporter, the entire due process hearing will be video recorded. The school system shall provide a copy of the recording to the parent/guardian upon request. In order for an accurate recording to be made, the parties and witnesses shall introduce themselves at the beginning of their presentations. If a parent/guardian appeals the decision of the hearing

officer to a court of competent jurisdiction, the school system shall prepare a written transcript of the hearing to be offered to the court as an exhibit.

Witnesses

Witnesses will present their information in narrative form, without the traditional question and answer format of legal proceedings. Cross-examination of witnesses will not be allowed, but a party may request that the hearing officer, at his/her discretion, ask a witness a certain question.

Format of Presentation

Each side will have an equal amount of time to present their positions as determined by the hearing officer. The parent/guardian will present his/her case first by making an opening statement outlining the issues, calling witnesses, and making a closing argument. The school system will present its side next. At the end of the school system's presentation, the parent/guardian may offer a short response. Each side may present personally or through their representatives.

Submission of Exhibits

As part of their presentations and at the discretion of the hearing officer, the parties may submit any reports, evaluations, correspondence, notes, or any other documents that may support their positions. Exhibits submitted to the hearing officer by either party must be marked. The hearing officer may, in the exercise of his/her discretion, reasonably limit the number of documents to be submitted for his/her review, as well as the number of witnesses and the length and/or scope of their presentations or statements.

Closing Arguments

The hearing officer may allow or request written closing arguments summarizing and characterizing the information presented at the hearing.

Decision

The hearing officer may make an oral ruling at the conclusion of the hearing or take the case under advisement and issue a written opinion. Such decision shall address all of the issues raised by the parent/guardian as well as any corrective actions, if any, the school system must take. Any issue or claim raised by the parent/guardian that is left unaddressed by the hearing officer in his/her decision will be deemed to have been denied. The decision must be issued within forty-five (45) days after the date the

Request for a Due Process Hearing is received by the district. The hearing officer may not award attorneys' fees as a part of the relief granted to a parent/guardian or the district.

Review Procedure/Appeal

If the parent/guardian is not satisfied by the decision of the hearing officer, he/she may seek review of the decision in a court of competent jurisdiction.

Legal References

1. 34 CFR § 104.4(a)
2. 42 USCA §12112(a)
3. 28 CFR § 35.107
4. 28 CFR § 35.106; 34 CFR § 104.8
5. 28 CFR § 35.170, 35.172
6. 34 CFR §104.36; 34 CFR § 104.7

Cross References

School Board Meetings 1.400
Visitors to the Schools 1.501
Reporting Student Progress 4.601
Graduation Activities 4.606
Equal Opportunity Employment 5.104
Personnel Health Examinations/Communicable Diseases 5.400
Acquired Immune Deficiency Syndrome 5.401
Complaints and Grievances 5.501
Student Discrimination, Harassment, Bullying, Cyber-bullying, and Intimidation 6.304
Acquired Immune Deficiency Syndrome 6.404