

	ABERDEEN SCHOOL DISTRICT	NEPN Code: JFA
	POLICIES AND REGULATIONS	

STUDENT DUE PROCESS RIGHTS

Discipline in the schools is critical to the provision and implementation of public education. The Board and school administrators have the legal authority to deal with disruptive students and student misconduct. The United States Constitution and The South Dakota Constitution entitle all students to due process when they are subjected to deprivation of a property right. The Board recognizes the importance of safeguarding a student's constitutional rights.

Due process is an established course for judicial proceedings or other governmental activities designed to safeguard the legal right of the individual.

A student whose conduct may warrant suspension or expulsion shall be provided with appropriate due process. Due process, in the context of the administrative proceedings carried out by school authorities, refers to the notification and hearing procedures established by the South Dakota Board of Education Standards.

Due process procedures shall be fair and apply equally to all. Fairly enforcing due process procedures involves:

- Adequate and timely notice and an opportunity to prepare a defense;
- An opportunity to be heard at a reasonable time and in a meaningful manner and;
- The right to a speedy and impartial hearing on the merits of the case.

SPECIAL EDUCATION STUDENTS

Students who attend public school on an individualized educational program (IEP) are subject to due process procedures established by the South Dakota Board of Education under administrative rules for special education. The administration shall consult with a student's individualized education program (IEP) team to adequately address student disciplinary actions with the provision of a free and appropriate public education for students with disabilities.

LEGAL REFERENCES:

ARSD 24:05:26 Suspension

ARSD 24:05:26.01 Expulsion

ARSD 24:05:30 Procedural safeguards

ARSD 24:07 Student due process

SDCL 1-26-26 Ex parte communications by agency personnel in contested cases--Investigating officer disqualified from decision making--Authorized communications.

SDCL 13-32-4 School board to assist in discipline--Suspension and expulsion of pupils--Report to local authorities--Hearings--Alternative settings.

SDCL 13-32-4.2 Procedure for suspension--Appeal--Hearing

SDCL 13-32-4.7 Due process procedures--Promulgation of early reinstatement rules

ADOPTED: October 22, 2012

REVISED: August 11, 2014

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