

STUDENT DUE PROCESS RIGHTS

The Board and school administrators have the legal authority to deal with disruptive students and student misconduct. The Board recognizes that the United States and South Dakota Constitutions entitle all students to due process when they are subjected to disciplinary actions such as suspensions or expulsion.

Due process, in the context of the administrative proceedings carried out by school authorities, refers to the notification and hearing procedures established by the State Board of Education.

Due process procedures will conform to the following basic practices:

1. They must be fair;
2. They must apply equally to all;
3. They must be enforced in a fair manner, which involves:
 - a. Adequate and timely notice and an opportunity to prepare a defense.
 - b. An opportunity to be heard at a reasonable time and in a meaningful manner.
 - c. 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, in addition to the basic practices established by this policy, are subject to due process procedures established by the State Board of Education under administrative rules for special education.

Legal Reference: SDCL 13-32-4
ARSD 24-07; 24-05-26; 24-05-26.01

Cross References:

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