

JFA - STUDENT DUE PROCESS

All students are entitled to due process when they are subjected to disciplinary actions such as suspension or expulsion. The board and school officials have the legal authority to deal with disruptive students and student misconduct. Due process, in the context of the administrative proceedings carried out by school authorities, refers to the 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

LEGAL REFS.: SDCL 13-32-4, ARSD 24:07:01 et seq

Adopted: July 13, 2009

NOTE: Articles 24:07 of the Administrative Rules of South Dakota provide two sets of procedures: one is for short-term suspensions, and one for long-term suspensions or expulsions. The short-term procedure applies to suspensions or expulsions of students from school or class for ten days or less; the long-term procedure applies for more than ten days when suspended by the school principal or more than 90 days when suspended by the superintendent of schools.