

Related Entries: (Not identified at this time)

Student Discipline Hearing Officers

The following standards and procedures shall govern the appointment of impartial hearing officers to conduct student discipline due process hearings:

(1) Scope of Services

Hearing officers shall preside over student discipline due process hearings wherein the Superintendent has recommended that a student be expelled for violations of the Student Code of Conduct. The hearing officers shall serve in these cases as quasi judicial officers and shall conduct the hearings in accordance with Chapter 120 of the Florida Statutes. The hearing officer shall also be responsible for issuing pre-hearing subpoenas and resolving any motions. They are also responsible for maintaining the official file consisting of the original petition and notice of hearing and any other pleadings, notices or documents forwarded to the hearing officer during the proceedings or produced at the hearing.

The hearing officer shall prepare a written report setting forth their findings of facts, conclusions of law and recommended penalty upon the conclusion of the hearing. The hearing officer's original report along with the official file and transcript, if one is ordered by the hearing officer for use in preparing their report, shall be forwarded to the Staff Attorney once the report has been completed.

(2) Qualifications

The hearing officer must be a member of the Florida Bar in good standing and have actively practiced for at least five years in Florida or jurisdiction. They should have prior experience as an administrative hearing officer and/or representing clients in administrative proceedings under Chapter 120, F.S. or similar litigation experience. It is also recommended that they have prior experience in student discipline matters.

Each applicant must have a working knowledge of Chapters 1000-1012, F.S. and/or general knowledge of public education law. They must also be familiar with the Lee County School District Code of Conduct for Students, both for grades PreK-5 and grades 6-12, and applicable School Board policies.

(3) Application and Appointment Procedure

Attorneys interested in serving as hearing officers shall submit a letter of interest along with a resume and three letters of professional reference to the Staff Attorney. The Staff Attorney shall set the deadline for the submission of applications and shall communicate the deadline to the current slate of hearing officers and/or in any advertisement for such applications. The Staff Attorney, along with the Assistant Director of Student Services, shall review application packets to ensure that the applicants meet the minimum qualifications outlined herein.

The Staff Attorney and Assistant Director of Student Services shall, upon review of the application packets, forward the names of the qualified attorneys to the Superintendent. The Superintendent shall thereafter forward a recommendation to the School Board for the appointment of the qualified attorneys.

An appointment to serve as an impartial hearing officer shall be effective for one school year including summer school following the regular term. Any hearing officer interested in serving the next year following their appointment must submit a letter of interest to the Staff Attorney before the deadline for applications but need not resubmit a resume or the letters of reference.

The Superintendent shall submit recommendations for the appointment of hearing officers for the new school year prior to the start of the new term or as soon thereafter as is possible. If the recommendation comes after the start of the new term and due process hearings need to be convened before the list of new hearing officers can be approved, hearing officers shall be selected from the previous year's list.

The Staff Attorney shall notify each hearing officer of his/her appointment after official Board action on the Superintendent's recommendation. This notice shall include the terms of their service and compensation as outlined herein. Each hearing officer shall acknowledge in writing receipt of the notice of their appointment by the Board and their agreement with the terms of service and compensation as set forth therein.

(4) Compensation and Terms of Service

Hearing officers shall be compensated at a rate of \$75.00 per hour for their services. They shall also be reimbursed for postage and copying costs. The hearing officer shall commence billing for their services upon notifying the Staff Attorney that they have accepted their appointment to serve in a particular case. The hearing officer shall submit their bill to the Staff Attorney along with their report and the official file at the conclusion of the due process hearing.

Each hearing officer shall be advised that their appointment to serve in no way guarantees them any minimum number of billable hours per case or minimum number of cases per school year. Furthermore, the hearing officer shall be advised that they serve in the capacity of an independent contractor and that their appointment is terminable by either party at any time and without cause.

Hearing Officers who have been appointed for the first time shall attend an orientation session with the Staff Attorney before being selected to serve in a case.

(5) Case Selection

The names of the hearing officers approved by the Board shall be maintained by the Staff Attorney's office on an alphabetical list. Hearing Officers shall be selected to serve in individual cases on a rotating basis from this list.

STATUTORY AUTHORITY: 1001.42, 1001.43 and 120.81(1)(f), F.S.

Adopted: 10/19/10