

HEARING PROCEDURES

- I. Hearings will be held in accordance with the appropriate section of the Code of Iowa.

This hearing will be as provided by Chapter 28A.5 (1-e) Code of Iowa.

- II. Parties - Representation:

- A) All parties appearing at formal hearings will have the right to appear in proper person or with counsel. All such parties will have the right to be accompanied, represented and advised by counsel.

- III. Presiding Officer - Duties and Authority:

- Each hearing will be held before not less than a quorum of the Board. The President or, in his/her absence, the vice-president, and in the absence of both a member designated by the President, will be the presiding officer and will have charge of the hearing, with authority to permit the examination of witnesses, admit evidence, rule on the admissibility of evidence, and adjourn or recess the hearing from time to time.

- IV. Order of Procedure:

- The order in which the parties will present their case will be determined by the presiding officer.

- V. Examination of Witnesses and Introduction of Evidence:

- A) The strict judicial rules of evidence will not be applicable to hearings conducted hereunder, and, in each case, the test of admissibility will be whether the evidence is reasonably relevant to a material issue and whether it has substantial probative value with respect to such material issue. The presiding officer may limit or refuse to admit cumulative or repetitive evidence, and may curtail redundant questioning. He/she may encourage (but will in no event coerce) the parties, where possible, to make proffers and stipulations in the place of cumulative evidence.

- B) Counsel for any party may submit evidence, examine and cross-examine witnesses, and file objections, exceptions, and motions; provided, however, that where a party is not represented by counsel, all such submission of evidence, examination and cross-examination of witnesses, and filing of objections, exceptions, and motions will be done and presented by the party.

- C) The presiding officer, or any person designated by him/her for the purpose, may examine all witnesses called by any party. He/she may call as a witness any person whose testimony may be relevant. Any board member may examine any witness.

VI. Briefs:

- Any party may submit briefs of the issues of fact and law involved in the hearing in such form as the presiding officer may designate.

VII. Counsel:

- The presiding officer of the board may request the board attorney to participate in any hearing as counsel for the board.

VIII. Decision and Order:

- Each decision and order of the board will be delivered in writing, unless it will immediately follow the hearing, in which case it will be delivered orally and thereafter in writing, with copies to all parties. Formal action of the board will be taken publicly at a board meeting following the hearing, but no other information will be released by the board or school administration as noted above.

DATE OF ADOPTION: May 12, 1982

DATE OF REVIEW: October 13, 1999

DATE OF REVISION: November 13, 1991