

Williamson County Board of Education

Monitoring: Review: Annually, in July	Descriptor Term: Hearings Before the Board of Education	Descriptor Code: 1.401	Issued Date:
		Rescinds: 1.401	Issued: 05/21/14

1 These rules shall apply to all formal hearings before the Williamson County Board of Education in
2 contested cases.¹ Said rules shall not apply to conferences or other informal investigations or
3 proceedings at or upon which no formal ruling or decision is made, or to any proceeding in a non-
4 contested case.

5 **HEARINGS OR APPEALS**

6 All requests for hearings or appeals authorized by law or as otherwise provided for by resolution of the
7 Board of Education shall be in writing to the Superintendent of Schools.

8 **NOTICE OF HEARING**

- 9 1. In personnel actions, written notice of hearing shall be sent by the Chair of the Board, or his
10 designee, to all interested parties not less than ten (10) days prior to the hearing. Such notices
11 shall state the charges and/or issues. It shall also state the date, time, and place of the hearing.
12
- 13 2. In all other cases involving appeals authorized by law, or resolution, written notice of hearing
14 shall be sent by the Superintendent of Schools, to all interested parties not less than ten (10)
15 days prior to the hearing and shall include written statements of the charges and/or issues, as
16 stated by all interested parties.
17
- 18 3. All interested parties shall be afforded an opportunity to be present at formal hearings.

19 **PARTIES – REPRESENTATION**

- 20 1. "Party" includes any person or agency named or admitted as a party. Any person or agency may
21 be admitted as a party for limited purposes upon the satisfactory demonstration of the nature
22 and extent of its interest to the Board.
23
- 24 2. All parties appearing at formal hearings shall have the right to appear in person or with counsel.
25 All such parties shall have the right to be accompanied, represented, and advised by counsel.

26 **RECORDS – TRANSCRIPTS**

- 27 1. The Board shall prepare an official record, which shall include all pleadings, testimony,
28 exhibits, and other memoranda or material filed in the proceeding.
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- 30 2. A tape recording of the proceedings shall be made at the expense of the school system. Cost of
31 copies of the transcript of any proceedings, or part thereof, shall be paid by the party requesting
32 such a copy.

- 1 3. At the discretion of the Board, a stenographic record of the proceedings shall be made at the
2 expense of the school system. Cost of copies of the transcript of any proceedings, or part
3 thereof, shall be paid by the party requesting such copy.

4 **PRESIDING OFFICER - DUTIES AND AUTHORITY**

5 Each hearing shall be held before not less than a quorum of the Board. The Chair or in his/her absence,
6 a member designated by the Chair, shall be the presiding officer and shall have charge of the hearing,
7 with authority to permit the examination of witnesses, admit evidence, rule on the admissibility of
8 evidence, and adjourn or recess the hearing from time to time.

9 The presiding officer shall cause an oath to be administered to all witnesses testifying in the
10 proceedings.

11 **OFFICER OF PROCEDURE**

12 The order in which the parties shall present their case shall be determined by the presiding officer.

13 **EXAMINATION OF WITNESSES AND INTRODUCTION OF EVIDENCE**

14 1. The strict judicial rules of evidence shall not be applicable to hearings conducted hereunder,
15 and, in each case, the test of admissibility shall be whether the evidence is reasonable or
16 relevant to a material issue and whether it has substantial probative value with respect to such
17 material issue. The presiding officer may limit or refuse to admit cumulative or repetitive
18 evidence, and may curtail redundant questioning. He may encourage (but shall in no event
19 coerce) the parties, where possible, to make proffers and stipulations in place of cumulative
20 evidence. All testimony shall be given under oath.

21
22 2. Counsel for any party may submit evidence, examine and cross-examine witnesses, and file
23 objections, exceptions, and motions; provided, however, that where a party is not represented
24 by counsel, all such submission of evidence, examinations and cross-examination of witnesses
25 and filing of objections, exceptions, and motions shall be done and presented by the party.

26
27 3. The presiding officer, or any person designated by him for the purpose, may examine all
28 witnesses called by any party. He may call as a witness any person whose testimony may be
29 relevant. Any Board member may examine any witness.

30 **BRIEFS**

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

33 **COUNSEL**

34 The presiding officer of the Board may request the Board attorney to participate in any hearing as
35 counsel for the Board.

1 DECISION AND ORDER

- 2 Each decision and order of the Board shall be delivered within ten (10) days in writing, unless it shall
3 immediately follow the hearing, in which case it shall be delivered orally and thereafter in writing,
4 with copies to all parties. Each decision and order shall be accompanied by a finding on each charge
5 and specification.

Legal References

1. TCA 49-2-203(a)(6); TCA 49-2-301(GG)(i); TCA 49-5-512 ; TCA 49-6-3401; TCA 49-6-3201

Cross References

Board Committees 1.300
Appeals To and Appearances Before the Board 1.404
Separation Practices for Tenured Teachers 5.200
Separation Practices for Non-Tenured Teachers 5.201