

**STUDENT DUE PROCESS RIGHTS**

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:
  - adequate and timely notice and an opportunity to prepare a defense;
  - an opportunity to be heard at a reasonable time and in a meaningful manner;
  - 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

CROSS REF.: JGD/JGE, Student Suspension/Expulsion