

504.01E6 Hearing Examiner's Opening Statement

Friday, August 11, 2023

FOR HEARING EXAMINER ONLY. HEARING EXAMINER'S OPENING STATEMENT

I. This hearing is being recorded electronically by a (tape or video) recorder.

II. I will read the following statement which explains the purpose of the hearing and the procedure we will follow during the hearing.

My name is (Name). I have been appointed to act as the hearing examiner in this case. The date is (Date) and the time is (Time) . This hearing regarding the proposed (State the Proposed Sanction) of (Student's Name) will be conducted in compliance with Banner County School District No. 1's board of education policy and the laws of Nebraska. In accordance with these laws, the hearing must be recorded and is presently being recorded.

As a means of identifying for the record those who are present today, I will ask each individual to state his or her name and involvement in this hearing. _____ would you please begin by stating your name and your involvement in the hearing.

As the hearing examiner, I am responsible for considering the information presented today and making two decisions based on that information. The first decision will be whether (Student's Name) engaged in the action specified in the charge by the school. The second decision will be to recommend the appropriate sanction if I feel that any sanction is warranted. I will file a written report of my findings and recommendations with the superintendent of schools who will make the final decision.

It is important for everyone to understand that my recommendation will be based entirely on the information presented in the hearing.

Are there any questions regarding the purpose of this hearing?

It is the responsibility of each party to provide complete and accurate information about this matter. Charges may be withdrawn or modified until the close of this hearing.

A recess of a few minutes may be granted when appropriate. However, the hearing will be postponed or delayed only for reasons that I judge to be sufficient.

The hearing will begin with the school representatives presenting the charge and evidence to support that charge. After the testimony of each witness called by the school, the parents or their representative will be given an opportunity to question the witness.

At the conclusion of the school's presentation, the parents or their representative will have an opportunity to present any evidence they have. After the testimony of each witness called by the family, the school officials or their representative will be given an opportunity to question the witness.

After the evidence has been presented, the school and family will be given an opportunity to make closing statements to summarize their positions.

At this time, I caution both sides that, following the closing comments, you will not have another opportunity to present more information unless all parties present today agree to a change of procedure.

Any witnesses who testify will be administered an affirmation prior to testifying. Witnesses will be excused by me when their testimony has been completed. Witnesses other than the principal parties will be excluded from the hearing.

If anyone has a question about procedure during the hearing, please feel free to ask it. Are there any questions?

(Name of School Administrator), will you please begin the presentation of the school's case by calling your first witness.

AFFIRMATION

Question: Do you affirm that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth.

Response: I do.

Please proceed.