SCHOOL BOARD GOVERNANCE AND OPERATIONS

School Board Hearing Procedure

I. Scope

A. This procedure shall be followed in cases where the Prince William County School Board is required by state law, state regulations, or Prince William County School Board policy or regulations to hold a hearing, including matters involving employee grievances, suspensions, dismissals, and licensure revocations or suspensions. Student disciplinary and exclusion/admission hearings are conducted pursuant to the procedures set forth in Policy 745 and Regulation 745-1, “Long-Term Suspension or Expulsion of Students, Readmission, and Exclusion/Admission.”

B. Failure of a participant to abide by the procedures set forth in this policy may be cause for denial of the hearing.

II. Procedure Prior to Hearing

A. Hearings of the Prince William County School Board shall be scheduled by the Clerk of the School Board (Clerk), working in collaboration with Division Counsel, in order to meet all timelines imposed by law or by School Board policy or regulation. Notice of such hearings shall be provided by the Clerk to all School Board members as soon as practicable. Continuances may be granted by the Board Chairman for good cause with the concurrence of a majority of the Board as obtained by a poll conducted pursuant to Policy 137, “Polling of the School Board,” provided that a delay in the hearing does not conflict with applicable law or School Board policy or regulation.

B. The employee or his/her representative and the Division Superintendent (Superintendent) or his/her representative shall, no later than ten calendar days prior to the hearing, provide to the School Board and each other the names of any representatives or attorneys, a list of witnesses and a copy of each document, report, or other writing which either party intends to introduce at the hearing, as well as a position paper summarizing their respective positions. No later than three calendar days before the hearing, the parties shall also provide the School Board and each other with any rebuttal documents which they intend to introduce at the hearing. The School Board reserves the right to request additional information or records from the parties at any time prior to reaching its decision.

C. Other than the exchange of information discussed above, there shall be no “discovery” between the parties in such proceedings.
D. Failure to comply with Section II B of this policy shall be grounds for denial of the introduction of the writing at the hearing, except that the Prince William County School Board may accept a writing when good cause for the failure to furnish it earlier is shown. In addition, the Prince William County School Board shall accept an otherwise admissible record which has not been so furnished if the record was not available to the offering party within the time period specified, but such record shall be furnished to the other party and the School Board as soon as practicable after it becomes available.

III. Hearing Procedures

A. Procedural Matters

1. The hearing shall be presided over by the Prince William County School Board Chairman, or in the absence of the Chairman by the Vice Chairman, or in the Vice Chairman’s absence by such other Prince William County School Board member as the Prince William County School Board may designate.

2. The Chairman or other presiding member shall make all rulings concerning evidence, objections, continuances, and other procedural matters subject to an appeal to the members of the School Board present, on motion of any member.

3. Strict adherence to the formal rules of evidence or procedure applicable to actions in a court of law will not be required. However, the evidence and argument shall be limited to the issue or issues to be decided by the Prince William County School Board. Irrelevant or repetitive testimony may be ruled out of order. A proffer of additional or excluded evidence or testimony may be required.

4. At each state of the hearing the moving party shall be called upon first to proceed. Any question regarding which party is the moving party shall be resolved in accordance with Section III (A) (2) above.

5. The parties may stipulate such writings, summaries of evidence, and other matters as they may agree upon.

6. The hearing shall be private unless a public hearing is requested by the grievant or employee. A request for a public hearing shall be given by providing written notice thereof to the Division Counsel at least five (5)
School Board Hearing Procedure (continued)

business days prior to the hearing. Unless required by law, the School Board may deny a request for a public hearing which, in the Board’s judgment, may compromise the confidentiality rights of students or employees, or which may otherwise adversely affect the operation of the school division or where such a public hearing does not serve the interest of justice.

7. At the beginning of the hearing each side shall submit a list showing the names of each representative/attorney and of each prospective witness in the order in which they will be called. A request for a change in the order of witnesses may be permitted if deemed necessary by the presiding officer for the orderly conduct of the hearing.

8. A stenographic record or tape recording of the hearing shall be taken, except that the parties may dispense with the same by agreement. The parties shall share equally the cost of recording and any party requesting a transcript shall bear the expense of its preparation. In proceedings concerning grievances not related to dismissal, the recording may be dispensed with entirely by mutual consent of the parties.

However, in such proceedings, if the recording is not dispensed with, the parties shall share the costs equally. If either party requests a transcript, that party shall bear the expense of preparation. In cases of dismissal, the recording shall be preserved for a period of six months.

9. At the discretion of the presiding officer, subject to appeal as provided at Section III (A) (2) of this policy, the hearing may be continued from day-to-day for purposes of receiving additional evidence.

10. On motion of any party, or upon motion of a Board member as adopted by consent or by majority vote of the School Board, the Prince William County School Board may vary any requirement of any of these rules if not otherwise mandated by statute or the regulations of the Virginia Board of Education, when the interests of justice would be better served thereby. Failure of either party to abide strictly by any of these rules which are not so mandated shall not be deemed a substantial defect, and the opposing party’s right to object thereto shall be deemed waived, unless the issue is raised prior to the close of the hearing.
B. Order of the Hearing

1. Opening statement - Each party shall give a brief opening statement setting forth the issues to be addressed and the Board action requested.

2. Evidence:
   (a) Each party shall present evidence in the form of witnesses and/or documents, and each shall be afforded an opportunity to cross-examine opposing witnesses, except in the case of student witnesses or witnesses who the School Board determines are unable, for good cause, to appear in person, where the School Board will accept written statements in lieu of personal appearances.

   (b) Rebuttal evidence shall be permitted at the discretion of the Prince William County School Board.

   (c) Any member of the Prince William County School Board and its attorney may question witnesses.

   (d) It shall be in the discretion of the School Board to determine whether closing statements will be helpful and allowed.

IV. Decision of the School Board

The Prince William County School Board shall give the grievant or employee its written decision within thirty (30) days after completion of the hearing, or as otherwise dictated by law or School Board policy or regulation. If the thirtieth day is a Saturday, Sunday or legal holiday, the written decision shall be given by the next business day.

The members of the Prince William County School Board, the Superintendent (or designee) and Division Counsel are responsible for monitoring and implementing those provisions of this policy which pertain to each.

This policy and any related regulations shall be reviewed at least every five years and revised as needed.


Adopted: October 21, 1992
Revised: November 7, 2018    PRINCE WILLIAM COUNTY SCHOOL BOARD