School Board Disciplinary Committee Procedures for Student Expulsion Appeal Hearings

I. Purpose

The following procedures shall govern the conduct of student expulsion appeal hearings before a three-member School Board Disciplinary Committee. The expulsion appeal hearing is not a formal legal proceeding and the School Board Disciplinary Committee is not required to follow the rules of evidence or procedures that apply in a court of law. These procedures are general guidelines which may be modified by the Chairman of the School Board Disciplinary Committee as needed for the efficient operation of the hearing, or where it is in the best interest of the School Division or the student.

II. Procedure

A. This procedure shall be made available to all students and/or their representatives who submit a written request for an appeal of an expulsion recommendation made by the Office of Student Management and Alternative Programs (OSMAP) and request a hearing before a School Board Disciplinary Committee. The written appeal must be filed with OSMAP as provided in Regulation 731-1, “Appeal of Student Matters.”

B. At least five business days before the hearing is to take place, the student and parent(s)/legal guardian(s) shall be notified by OSMAP via certified and regular mail of the following:

1. The date, time, and location of the hearing;
2. The procedures governing the conduct of the hearing; and
3. That the student and parent(s)/legal guardian(s) may retain legal counsel for the hearing.

C. Requests for Continuances. The parent(s)/guardian(s) or adult student may request one continuance of a scheduled hearing of a School Board Disciplinary Committee. However, such continuances shall only be granted for good cause, with the approval of the School Board Chairman, or in the Chairman’s absence, by the Chairman of the School Board Disciplinary Committee, and in accordance with the following guidelines:

1. A written continuance request must be timely directed to OSMAP accompanied by the reasons for the request. The Director of OSMAP shall review the request and make a recommendation regarding the continuance to the School Board Chairman or, in the absence of the School Board Chairman, to the Chairman of the School Board Disciplinary Committee.
2. Good cause for a continuance does not ordinarily include scheduling conflicts on the part of the student, the student’s parent(s)/guardian(s), or the student’s advocate or attorney. The School Board Disciplinary Committee, administration, Division Counsel, and school staff must all make accommodations to appear on the scheduled date and, therefore, the same is expected of the student and the student’s representatives.

D. The parent/guardian/representative expulsion packet containing the hearing materials shall be made available to the parent/guardian/representative of the student at OSMAP at least three business days prior to the scheduled hearing before the School Board Disciplinary Committee. The expulsion packet may include the following materials:

1. The principal’s recommendation for expulsion, including the specific offense(s), the nature of the infraction, and a summary of the facts supporting the recommendation;

2. Incident or other reports reflecting any investigation of the student’s conduct by school staff, school security, police, or other governmental officials;

3. Statements procured from staff, students, police, or other witnesses to the student’s conduct. In order to protect students from reprisal and to encourage the reporting of conduct which violates the Prince William County Public Schools “Code of Behavior,” statements obtained from student witnesses shall not identify the student providing the statement;

4. A transcript of the proceedings before the OSMAP hearing officer and a copy of the hearing officer’s recommendation;

5. Any documents or other exhibits introduced at the OSMAP hearing;

6. The student’s academic, attendance, and disciplinary records; and

7. Any other relevant documents or exhibits, including those relating to the statutory factors set forth at § 22.1-277.06(C) of the Virginia Code.

E. Student disciplinary matters are confidential under state and federal law. Therefore, the hearing shall be conducted in closed session and shall not be open to the public.
F. The hearing with the School Board Disciplinary Committee shall be limited to 45 minutes in light of the significant time constraints imposed upon the Board and since Committee members will have had an opportunity to review the expulsion packet prior to the hearing. The student, parent(s)/guardian(s), and advocate may not present duplicative testimony and are urged to submit the testimony of multiple witnesses in writing, particularly the testimony of character witnesses.

G. The student may be represented by parent(s)/guardian(s) or other responsible adult, including legal counsel. Parent(s)/guardian(s) may be present for the duration of the hearing. However, the student shall be permitted only one advocate for the purpose of presenting the student’s case. All parties, including attorneys, shall remain civil and shall refrain from personal attacks or other inappropriate conduct. The Chairman of the School Board Disciplinary Committee has the authority to remove persons from the hearing who engage in inappropriate conduct or disrupt the hearing. The law does not compel the School Board Disciplinary Committee to allow attorneys or advocates to participate in the hearing, except in limited circumstances.

H. The Chairman of the School Board Disciplinary Committee may impose a rule which excludes witnesses from the hearing room until such time as they are requested to provide information, and shall resolve all procedural or other objections, with the assistance of Division Counsel.

I. The hearing shall proceed in the following order:

1. The Chairman of the School Board Disciplinary Committee shall introduce the parties and the witnesses.

2. The school principal and/or the Supervisor of Student Management (or designee) shall make an opening statement on behalf of the administration, summarizing the student’s misconduct, the reasons for the principal’s expulsion recommendation, and the special circumstances identified by the OSMAP hearing officer, where applicable.

3. The student or the student’s advocate shall have an opportunity to make an opening statement. It is at this time that the student/parent/guardian/advocate/attorney inform the School Board Disciplinary Committee as to what they would like the outcome of the hearing to be (i.e., different consequences, different conditions, different placement).
4. The school principal and staff shall have an opportunity to present updated evidence, in addition to the evidence previously submitted to the committee in the expulsion packet. Copies of any updated or additional materials shall be provided to the student or the student’s parent/guardian/representative prior to the hearing, unless impracticable.

5. The student or the student’s advocate shall be able to question the school principal and staff or other witnesses presented by the school. This is an opportunity for the student to challenge the information presented to the School Board Disciplinary Committee.

6. Division Counsel and members of the School Board Disciplinary Committee shall have an opportunity to ask questions of the school principal, staff, and other witnesses.

7. The student and the student’s advocate shall then present their case to the School Board Disciplinary Committee, including any witnesses or exhibits relevant to the issues before the committee.

8. Administration shall then be allowed to ask questions of any witnesses presented on behalf of the student and present evidence in rebuttal of the presentation.

9. Division Counsel and members of the School Board Disciplinary Committee shall have an opportunity to ask questions of the student, parent(s)/guardian(s), and other witnesses.

10. Administration shall be provided with an opportunity to make a closing statement.

11. The student or the student’s advocate shall be given an opportunity to make a closing statement.

J. Following the hearing, the School Board Disciplinary Committee shall deliberate in closed session and shall vote in open session after the last hearing on the School Board Disciplinary Committee’s agenda. In order to protect the privacy of the student, all expulsion hearings are given a number. The vote by the School Board Disciplinary Committee shall be announced by student number and not by student name.
K. The School Board Disciplinary Committee may uphold, deny, or modify the recommendation of the OSMAP hearing officer, and may determine that other disciplinary action, or a different term of expulsion is merited, or different conditions for readmission are appropriate.

L. If the vote of the School Board Disciplinary Committee is unanimous, that decision is final and there is no appeal. If the School Board Disciplinary Committee’s vote is not unanimous, the student has a right to submit a written appeal to the full School Board, as set forth in Regulation 745-1, “Long-Term Suspension or Expulsion of Students.”

M. OSMAP shall be responsible for notifying the parent(s)/guardian(s) or adult student of the School Board Disciplinary Committee’s decision.

The Associate Superintendent for Student Learning and Accountability (or designee) is responsible for implementing and monitoring this regulation.

The Associate Superintendent for Student Learning and Accountability (or designee) is responsible for reviewing this regulation in 2020.